

PRINCIPLES OF POLITICAL SCIENCE

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PREFACE

This book on the principles of political science is intended to be a comprehensive treatise on political theory, based as far as possible on the latest developments in the subject. We have deliberately made it a compact volume, and it will be found to be neither too big nor too small. Intended mainly for students preparing for their first degree (both two-year and three-year) courses, it is not, however, meant exclusively for them. More advanced students may also profit by reading it and those in public life, who wish to have an accurate and all-round knowledge of the different aspects of political theory, will, we hope, also find it useful.

The book is devoted entirely to political theory. The actual constitutional and governmental organization of different countries has not found any place in this volume, although the general principles of political and governmental organization have indeed been elaborated and analysed in as many as seven chapters (XI to XVII). In that connection, references have had to be made to the practices of several countries, but they are introduced only by way of illustration. For the detailed study of the government in any given country the reader will have to turn to books written particularly on that subject.

So far, however, as political theory is concerned, the present book is comprehensive, not only in respect of the different topics which should be included in the subject, but in their treatment. It is not for us to refer to any special excellences in the book, but all the topics have been dealt with as carefully as possible and are based on up-to-date material.

Methodology is one of the important questions which exercises the minds of many political scientists. The kind of approach which should be made to the treatment of the topics which make up political science has, in recent years, become a matter of some controversy. In any event, Sir John Seeley's definition that politics is present history, just as history is past politics, no longer indicates the scope and treatment of political science. Accordingly the first chapter of this book

has been devoted to a comparatively elaborate study of methodology.

The politics of developing areas has also assumed a new importance during the last fifteen years. This subject has accordingly been dealt with fully in Chapter XX. Nationalism and internationalism have been given attention that is due to them and are discussed in three different chapters (XXI to XXIII). We do not, in mentioning these topics, wish to minimize the importance of those other chapters of the book in which more conventional subjects such as the origin and development of the state, law, sovereignty, liberty, political obligation, public opinion and political parties, are elaborately and analytically discussed.

We have already stated that we have made every effort to write the different chapters as carefully as possible. But if, nevertheless, any reader notices any of the lapses and errors which so often creep into the first edition of books, we would be very pleased if he would be kind enough to bring them to our notice so that the necessary steps may be taken to remove them.

In closing this Preface, we express again our hope that this book will adequately meet the needs not only of Pass and Honours students in political science, but also those of the wider public interested in the study of politics, and seeking in one book the necessary knowledge of the theoretical background. We also thank the publishers, Messrs. Macmillan & Co., Ltd., for undertaking the production of this book and its presentation to the public.

N. C. R.

J. D. G.

J. K. R.

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Chapter I

POLITICAL SCIENCE: METHODS AND ✓APPROACHES

THE average citizen does not seem to be very keen on expressing his opinion on astronomy, for evidently he feels that the expert knowledge necessary for doing so is beyond his reach. However, when it comes to a question of politics, he does not show any such fear and goes on talking with an authoritative air. Indeed somehow the idea has gone round that politics is a subject where every interested person has a right to speak with a sense of authority. Simple emotion, raw or cultured, is often supposed to be a substitute for political knowledge. Granted such a view, politics would appear as a matter of occasional fun and excitement, so that one can have reasons to dismiss any suggestion about the possibility of a systematic body of political knowledge. Fortunately, there are also some people who prefer to confess that they find it a little too difficult to comprehend the processes of politics. They are often frankly puzzled by the mass of events which come under the handy label of politics. They can, of course, appreciate the charm of some political personalities of rare eminence. They may have an idea or a rough guess about some of the policies pursued by the political leaders or organizations, but this would not be enough to convince them that they know what politics is about.

Indeed a moment's reflection would tell us that politics is far more complex than what our gentleman next door would have it. Because of this complexity, the understanding of politics must involve a systematic effort to build a body knowledge that will help us to comprehend the form as well as the substance of politics. And it is precisely here that political science steps in. The essence of science lies in a searching activity, in the excitement of enquiry. It involves continuous probing into the unknown. The concepts of political science differ from those of ordinary discourse in the greater precision with which they are generally defined, in the increasingly

higher level of abstraction and generalization toward which they tend, and in their systematic development and use. The goal of political science is a theory or a body of theories covering the widest possible range of phenomena associated with politics which would give us a clearer understanding of the political reality. In fact, ever since Aristotle described politics as the master science, political scholars have constantly attempted to develop a systematic treatment of the political reality in fairly rigorous terms though it must be admitted that like other members of the family of social sciences, political science still suffers from some grave defects. Before we come to examine the nature of these defects, it should be our duty to discuss some of the problems that tend to arise whenever one attempts to undertake the task of constructing a science of politics.

✓ **What is Political?** Is it possible to identify the things that are distinctly political? One does not always get a very clear answer to this question. To imagine politics as a master science, as Aristotle did, is to invite a lot of questions. If Aristotle found it advantageous to treat the related problems of ethics and politics together, the modern political scientists would be reluctant to include in the span of a discipline these two areas of human knowledge. In fact, the desire to find a distinctly different field of study exclusively dealing with politics, has been one of the most important points of modern political analysis. In urging the distinct autonomy of the field of politics, no political scientist, however, demands that one should neglect the value of studying the relevant interactions of politics with the other allied branches of the social sciences. Who would deny that a valid study of democracy in India requires an attention to the economic, historical, sociological and other related factors? And yet it is impossible to construct a science of politics if there is no boundary line telling us where politics approaches its limits and the other fields of enquiry begin their work.

To be sure, it is fairly difficult to carve out a distinct field for politics. There was a time when it was assumed that politics was concerned with only those phenomena concerned with the state. Thus Gettell asserted that political science deals primarily with the state. Garner also did not hesitate to advance the same idea. In a similar vein Burgess assumed that

political science was the science of liberty as well as the science of sovereignty. The trouble with such views is that the concept of the state is not always a clear one. One writer, for instance, has collected one hundred and forty-five separate definitions of the state. Some have defined the state in a very narrow way, others have preferred to do it in a very broad way that hardly leaves anything outside the scope of the state. Obviously to depend so heavily on the concept of the state would not lead us anywhere. Moreover, there may be political action outside its scope. For instance, the concept of the state came into recurrent use only after the sixteenth and the seventeenth centuries. But political action and institutions certainly existed before these centuries. It would be rather unfair therefore to consider the state as the limiting point of political study.

It has been said that basically the inadequacy of the state concept as a definition of the subject matter of politics stems from the fact that it implies that the science of politics is concerned with the study of a particular kind of institution or organization of life, and not with a kind of activity that may express itself through a variety of institutions. In order to find an alternative explanation, many writers have insisted on identifying power as the basic field which should attract the attention of the political scientists. According to these writers, politics is a study of the power processes and their impacts: the study of who gets what, when, and how. However, the attempt to delimit the area of politics in terms of power alone seems to offer too broad a ground, and it does not solve the problem of drawing a distinction between the fields of social power and political power. In fact, politics is not concerned with all the aspects of power; it deals with power no doubt but only with a limited area of power. Power in general is different from power in a political context. In a group of friends one may have considerable power, but that apparently is not a problem of the science of politics.

For our purpose, in order to escape from the vagueness with which the word politics is surrounded, we may agree with the analysis that political life refers to those activities which influence significantly the kind of authoritative policy adopted for a society and the way it is put into practice. An event

then would be political in so far as it relates in some way to the making and execution of policy for a society. In this way we can have a fairly clear idea about the field of politics, but at the same time we must be aware of the fact that it is a way of isolating a field for the sake of analytical convenience only; in the real world the lines of the boundary might seem to shift back and forth to some extent.

Towards a Science of Politics. Granting that the study of politics is primarily concerned with the authoritative allocation of values as it is influenced by the distribution and utilization of power, the question remains if it is possible to construct a science of politics. An appropriate answer to this question appears to depend on the way one interprets science itself. Given a very rigid view of science it would be difficult to claim a properly scientific status for politics. But there may be a broad interpretation of science which can, of course, permit us to apply the scientific methods to the study of politics. It is then necessary to examine the relevance of the scientific methods to the political field before we come to think about the validity of a science of politics.

Nothing succeeds like success. And the success of science has fascinated many political theorists. Especially since the nineteenth century, the prestige value of science in social and political analysis has gone up immeasurably. Almost everyone likes to claim that his method is in accord with the scientific procedure. Often, however, the social and political scientists fail to get into the spirit of science and try to imitate merely the vocabulary of science. The general spirit of disinterested enquiry has not always inspired the political scientists. Rather a tendency to imitate the method and language of science in a slavish way has, not infrequently, led to unfortunate consequences. Scientific procedure, therefore, should be distinguished from such confused imitation of science or what is known as scientism, a term popularized by Hayek. Ever since its birth, science has struggled relentlessly against three great obstacles. First, science had to combat the peculiar attitude of many scholars who had grown used to devoting most of their effort to analysing other people's opinions. Secondly, science had to persuade against the belief that the ideas of the things possessed some transcendental reality. Finally, an im-

portant defect of the older ways of thinking was that man had begun everywhere to interpret the events in the external world after his own image in terms of 'animistic' theories 'which searched for a purposive design and were satisfied if they had found in it the proof of the operation of a designing mind'. Science has consistently attempted to challenge these ways of thought. In doing so it had to adopt an objective attitude and an impersonal way of validating the products of empirical investigations.

A science of politics thus faces the tough task of proving to intelligent observers that it has abandoned the above defects. Indeed modern political scientists are increasingly becoming conscious of the important fact that many of the older political enquiries were merely metaphysical speculations having little verifiable content. They seek to draw a distinction between the empirical part of political enquiry and the speculative part of it. This may not be an easy task but one has to do it if the label of science is to have any meaning at all. It is a happy sign that political scientists are tending to abandon mere armchair speculation about social life and are seeking instruments by which they can empirically test their theories against reliable social and political data. Clearly there seems little point in being scared of employing scientific procedure to understand and control political phenomena. Political science, like its sisters in the family of social sciences, is 'primarily concerned with analysis, prediction and control of behaviour and values; the humanities, for their synthesis and appreciation'. The cry that the human content of political science would be in danger if science penetrated at an 'alarming' speed into this field, has little evidence behind it. Scientific analysis and human appreciation can go together if only we know how to appreciate the function of each in the context of political analysis.

At this stage of the argument it is perhaps proper to state the relevant steps employed in a scientific enquiry—steps that are often common to the social as well as the natural sciences. Certain elements are characteristic of every scientific procedure. It is important to remember that scientific method does not tell a person how to be creative. It insists rather that arguments must be processed in line with scientific method in order to be recognized as a part of the body of science. What

are these steps? In general scientific method is interested in the following steps of procedure: 1. Observation of what can be observed; 2. Description of what has been observed; 3. Measurement of what can be measured; 4. Acceptance or tentative non-acceptance of the results of observation, description and measurement as facts or reality; 5. Inductive generalization (tentative) of accepted individual facts, offered as a factual hypothesis; 6. Tentative explanation in terms of relations; 7. Logical deductive reasoning from inductively reached factual generalizations; 8. Testing by further observations of the above; 9. Correcting the observations and 10. Predicting events or conditions to test factual hypothesis or to scientifically contribute to the practical process of choosing between several possible alternatives of action, and finally, 11. Non-acceptance of all statements not obtained or confirmed in the manner stated above. Of course *à priori* assumptions inherent in scientific method cannot be eliminated from a scientific analysis of politics.

The procedure outlined here may not be accepted in a very rigid pattern because, after all, political science deals with human units and the latter undeniably seem to offer a very delicate field to cover. What is more important is that except for a small number of bold attempts few political scientists have been able to cover the ground in accordance with a strictly scientific procedure and even now scientific terminology rather than operation has attracted most of the political scientists. To the extent that the older attitudes would tend to dominate the majority of the political scientists, it would be indeed difficult to build the proper foundations of a methodologically secure body of political science. The only hopeful aspect of this situation is that provided there is a will to forge a new basis of scientific political enquiry, the right methodological developments in the whole field of social science would be ready to help us in many important respects. Such a will is not completely absent—it, however, needs an intensive preparation from a far greater portion of political analysis to gear itself up to the new requirements for the sake of the advancement of political science. Reconstruction of political science is then a difficult task. It is, it should be noted, by no means an impossible one to accomplish.

Approaches to the Study of Politics. From the days of Plato political thinkers have used various methods and made different approaches in their enquiries. These approaches seem to follow widely divergent tracks and not all of them may be said to have accepted scientific procedure. In fact, scientific procedure in politics is a rather recent arrival in this field. For a long time political discussions in academic writings have shown a tendency to swing endlessly between the deductive and the inductive approaches. The imaginative and the synthetic way of Plato was far removed from the way of Aristotle who sought to combine the analytic elements with an ethical scheme. It appears that the whole history of political thinking suffers from a deep-seated conflict of approaches. Sometimes, modern thinkers in order to understand these differences have tried to discover convenient clues. Such clues may not go very far in aiding our understanding and yet in their limited way they do remove some mist from the scene. E. H. Carr, for instance, describes two broad methods of approach to politics, one Utopian and the other realist. He suggests that the Utopian is inclined to ignore what was and what is in favour of what should be, and the realist is inclined to deduce what should be from what was and what is. The trouble is that in almost every political thinker these two elements tend to co-exist. Even in our own century political thinkers have not come to a decision about methodology. Their hesitation, vacillation and uncertainty about methodological questions have been important elements of weakness in the body of political science. A brief study of the contemporary controversy about the approaches and methods to be followed in political enquiry would indicate the magnitude of our difficulty.

Experiment and Observation. For Auguste Comte the principal methods for the scientific study of social phenomena were three in number: observation, experiment and comparison. He was also conscious of the fact that a fourth method, the historical, might be necessary in certain cases involving the investigation of the most complex social phenomena. Political experimentation, said Comte, really takes place whenever the regular course of state life undergoes conscious or unconscious change. Governments are engaged in trying various experi-

ments on the community. Political life itself is an essay on adventure in experiments. New laws are being tried, new institutions are being tested and in so many different ways things of an experimental nature are being introduced. This experiment may not be altogether an anomaly in the field of political practice. Some political thinkers have harshly attacked this way of interpreting experiments. George Cornwall Lewis, for instance, is prepared to admit politics as an experimental science provided it only refers to a science based on observation and experience. If, however, by an experimental science one means a science which admits of scientific experiments, then, Lewis is adamant: politics is not in his opinion an experimental science. Bryce was also sure that 'opinions, emotions and other factors which influence politics are not capable of computation'.

Human behaviour thus defies quantification and measurement. Experiments may be performed for the sake of reforming an institution but in politics one cannot do so for the purpose of ascertaining a general truth. Again, unlike physics, an experiment in politics can never be exactly reproduced. Finally, prediction in physics may be certain but in politics it can at best be no more than probable. This last point together with others may be quite interesting for the students of any science for the simple reason that the swift pace of scientific developments has already caught Lord Bryce on the wrong foot. Contemporary physics has little use for certainty; it now speaks in terms of probability. Secondly, opinions and attitudes are now being freely measured by political scientists employing highly sophisticated mathematical and sociological procedures. And the whole attack on the experimental method was carried on in the context of an unfortunate terminological confusion. The conclusions of Bryce and Lewis thus have little merit to commend them. It appears that all of the participants in this controversy were addressing themselves to a wrong question—at least the drafting of the question was in a wrong language.

Lowell's remark that politics is an observational and not an experimental science, hardly improves the level of the debate. According to him a library is a laboratory of political science only in a limited sense and the main laboratory for the actual

working of political institutions lies in the outside world of political life. Here one must observe and study the phenomena at first hand. Bryce also laid great stress on the method of observation, that is, 'the study of governments and political institutions by observing at close range their actual working'—a method which he himself followed. While observing the political phenomena the investigator must beware of superficial resemblances and misleading analogies. Bryce exclaims 'Facts, Facts, Facts'. The art of gathering facts without a corresponding elaboration of hypothesis and a relevant conceptual framework would not, however, serve the cause of political science in a systematic way. One may, of course, derive much profit from this art—as all political scientists have done already—but apart from occasional insights of undeniable value, such approaches to political science, it must be confessed, offer much politics but little science of politics.

Comparative Methods: Old and New. Bryce, De Tocqueville and others have often used a comparative method. This method engages its primary attention to the study of governmental systems of the past and the present in a comparative framework. By selection, comparison, elimination and analysis such a method attempts to discover the ideal types and forces of political history. That which entitles it to be scientific, claims Bryce, is that it reaches general conclusions by tracing similar results to similar causes, eliminating those disturbing influences which, present in one country and absent in another, make the results in the examined cases different in some and similar in other points. According to Garner the danger of the comparative method lies in the liability to error to which it is susceptible in practice, since in the effort to discover general principles, the diversity of conditions and circumstances is apt to be ignored or minimized. The assumption of progress and uncertain as well as unsystematic comparative techniques employed by the political philosophers from Aristotle to Bryce have tended to generate an attitude of suspicion to facile comparisons. However, if we change the older assumptions and reformulate the whole procedure of comparative method in accordance with the new techniques employed by the political scientists, a high degree of scientifically reliable body of knowledge may be acquired. This is precisely what

Gabriel Almond and others have been doing recently. Almond prefers political systems rather than states or governments as the basic unit of his comparative politics. He has found a four-fold classification of empirical political systems to be quite useful: the Anglo-American, the Continental-European, the pre-industrial and the totalitarian political systems. While describing the essential properties of these classes a fruitful utilization of the tradition built up by the writings of Max Weber and Talcott Parsons has been made.

One great advantage of such a reformulated comparative method is that the ambit of non-Western politics or the politics of the developing areas can be studied in a valuable way with the help of the tools sharpened by the sociologically inclined political analysis of our day. It should be admitted, however, that there is no magic in method. Very often the failure to ask the right questions and an excessive obsession with system-building may reduce the results to an unimportant status. In order to guard against such pitfalls comparative politics should be prepared to devote a good deal of thinking to the very starting point itself. Tool-making would not take us far unless we are ready and competent to use them properly. The modern comparative method, it may be noted with hope, has an advantage; it is in a position to utilize the accumulated inter-disciplinary theoretical knowledge, and it has already produced some valuable studies. The recent works on the theory of comparative political systems like David Apter and Morroe Berger's studies on African politics, Daniel Lerner's study on the Middle East and other similar studies on Eastern and Western politics seem to indicate that here is a method that has a good deal of scientific possibility, both in the formal and in the substantive aspects.

† *Legal Institutional Approaches.* With the growth of constitutional government political writers with a legal training have sometimes sought to analyse the political phenomena with a primary emphasis on the legal structure. Such thinkers have viewed political science as a science of legal norms. Here the organized society is treated as an ensemble of public law rights and obligations, founded on a system of abstract logic and reason. This attitude neglects the extra-legal forces and its concentration on the static legal structure betrays a rather

narrow outlook. The exponents of the legal approach seem to assume that the state is like a clock in which we can take for granted the hand that winds it up and confine ourselves to the study of the mechanism. The German school, apparently in continuation of Austin, has spent a good deal of energy in building sophisticated schemes of legal analysis. Jellinek, Meyer, Laband and others have popularized this method. Jellinek, in fact, believes in a dualism and makes a sharp division of the science of society into juristic and political segments. Yet the intellectually satisfying scheme of a legal analysis of the state occupies most of his attention. In contemporary political science juristic formalism has not been able to attract much attention. Hans Kelsen, of course, is an exception. Kelsen is concerned with only the principles of law, not at all with the social realities of the political man. His theory of pure jurisprudence has its own method. The excessive formalism of the system built by Kelsen may seem to many to be a fruitless intellectual exercise in the logic of law. With some reservations, the same may be said of many writers adopting the juridical or legalistic approach. Political enquiry can profit little from a restricted study of the superstructure which neglects completely the foundations, and the dynamic factors in politics cannot be understood in terms of purely juristic categories. Political processes have never operated and never can operate within an only legal framework.

The Historical Approaches. Many political theorists have tried to make a method out of historical analysis. E. H. Carr has pointed out that we have become incorrigibly historical in our outlook: what philosophy was to Classical Greece and Rome, what theology was to the Middle Ages, what science was to the eighteenth century, history is to our time. Such an assertion may often appear to be basically historicist but one need not tie oneself to historical determinism in order to gain a political insight from the historical analysis of social and political affairs. According to Frederick Pollock, the historical method seeks an explanation of what institutions are and are tending to be, more in the knowledge of what they have been and how they came to be and what they are, than in the analysis of them as they stand. It is the doctrine of evolution applied to human institutions.

In a neat classification of the different conceptions of history, Charles Beard reminds us of the various uses of the word *history*. History-as-actuality is obviously different from history-as-record and history-as-written. The last one contains so many variations in its treatment and interpretations that one may wonder what history is after all! Again the same word history has been utilized by the radicals and the conservatives to justify their ideologies or methodologies. The historicist methods of Hegel and Marx have led to astonishingly divergent conclusions. In modern political theories Harold Laski sought to justify his *radical* principles with reference to history. Paradoxically the successor to his own chair, Michael Oakeshott, declares that in studying politics 'what we are learning to understand is a political *tradition*, a concrete manner of behaviour. And for this reason it is proper that, at the academic level, the study of politics should be an historical study.' Such contradictions hardly serve the purpose of a scientific approach. The political scientists of our day are thus clear in recognizing the worth of the canvas of history but they are reluctant to accept an approach that concentrates on history as the primary framework of political enquiry.*

Psychological Approaches. Nearly all students of politics analyse institutions and avoid the analysis of man, cried Graham Wallas, an English thinker whose writings opened a new chapter in political analysis. His method was psychological. His intention was to analyse the non-rational as well as the rational springs of human behaviour. Since Wallas, under the impact of Freud and the post-Freudian psychologists and social psychologists, the study of politics has accumulated an impressive inventory of psychological data and inferences, which has definitely marked a turning point in the history of political analysis. It is true that even before Wallas, an important series of political thinkers from Plato to Bentham used many conceptions of human nature which were often psychological. But it cannot be disputed that these modes of analysis were often too crude and that mostly the refined techniques of psychological analysis advanced by the modern psychologists have contributed to a revolution in political analysis.

* See also the discussion on History and Politics in the next chapter.

As early as 1930, Harold Lasswell published his important work 'Psychopathology and Politics' where he utilized medical psychology to penetrate deep into the roots of political behaviour. With the co-operation of eminent physicians he collected the intimate life-histories of active politicians and analysed them in the light of the insights provided by modern psychiatry. After this stage the ground was prepared for intensive and extensive psychological studies of political phenomena. Statistical sample surveys, different interview techniques and other such tools have enriched the psychological studies of politics by allowing tabulation and correlation of the quantified materials collected by the political psychologists in a wide social frame. In fact, since the publication of 'The Authoritarian Personality' by F. W. Adorno and others; a good part of recent political research has been devoted to psychological investigations of political behaviour. These trends have definitely enriched the content of the science of politics though sometimes the investigators have tended to overstate their case.

'Sociological Approaches.' Psychological analysis of politics may very often neglect the other necessary dimensions of political life. In fact, psychology, since it concentrates on the individual, may overlook sometimes the social variables of the political structure. Even social psychology may not go very far towards the correction of such a mistake. The necessity of taking into account the social variables of the political structure has urged many thinkers to apply the techniques of sociology to political analysis.* Under the influence of Max Weber and others, a number of sociologists in Europe and especially in the U.S.A. have tried to incorporate sociological insights and techniques in the body of political knowledge. In fact, the sociological orientation of the modern political scientists is perhaps the most important distinguishing feature of contemporary political science. The study of political systems, roles, functions, behaviours and institutions dominates the content of recent political science. Such studies have proved the narrowness of the approaches employed by the earlier political authors and investigators. However, the very compre-

* See the following sections and also the subsequent chapter's discussion on "Politics and Sociology".

hensiveness of the sociological approach may be an argument against it. If the political field is not distinguished from the social one, a confusing overlapping might follow. In order to retain the autonomous existence of political science, one must know the limits of the sociological approach in its political application. The urge to utilize the rich resources of sociology is commendable but as David Truman warns us, the follower or borrower, especially from another field, is almost literally wasting his substance if he permits himself to expend his energies on the application of a technique without reference to its bearing on his most pressing problems of description and analysis.

Functional Approaches. The first systematic formulation of the concept of function as applied to the scientific study of society was that of Emile Durkheim in 1895. Elaborating upon the concept of function the famous anthropologist A. R. Radcliffe-Brown developed the meaning of function to refer to the life of an organism conceived as the functioning of its structure. Through the continuity of the functioning the continuity of the structure is preserved. Function is to be distinguished from purpose. While purpose is a subjective concept depending on the desires of man in the context of his values, function is an objective consequence of action. Robert Merton clarifying the concept further observes that any partial structure is said to have a *function* if it contributes to the fulfilment of one or more of the social needs of a social system or sub-system whereas any partial structure is said to have a *dysfunction* if it hinders the fulfilment of one or more of these needs. Again, *manifest* functions are those that are intended and recognized while *latent* functions are unrecognized and unintended.

This distinction between manifest and latent functions, it may be noted, is somewhat relative. These concepts of structure and function are valuable tools for objective analysis of social systems, their stability, their efficiency and their changes. In fact, the field of political science has been already enriched by the application of sociological functionalism. Homans in his study 'The Human Group' and Merton himself in his analysis of bureaucracy and other aspects of socio-political phenomena have applied such techniques in a very rewarding

way. It may not be possible for the political scientists to blindly follow functionalism in all kinds of political quests but it may be observed modestly that such techniques do provide important insights into the reconstruction of the science of politics in a systematic way.

Behavioural Approaches. Perhaps the study of political behaviour is the most important occupation of the modern empirically oriented political scientists. This approach has its roots in the seminal works of Graham Wallas and Arthur F. Bentley published in 1908. Charles Merriam systematized to a great extent the raw materials of the new approach. While doing so he had gathered around him a group of powerful scholars who were interested in a reconstruction of political science in empirical terms. Harold Lasswell may easily be said to be the leading captain of an interesting team which has to a very great extent altered the method and the content of modern political science. These efforts have been followed up by a brisk campaign to rewrite and reconstruct almost every aspect of political science. One of the reasons for the quick success of this school lies in its acceptance of an inter-disciplinary focus for the study of political phenomena. At the same time these scholars are equally interested in preserving the autonomy of political science. Clearly there is no contradiction in such an attempt because sociology, psychology, anthropology, statistics and other related disciplines are indeed indispensable disciplines the help of which must be taken if one intends to build up a valid body of political knowledge.

The political behaviour approach concentrates its attention on political behaviour and the psychological and sociological variables which affect it. This approach involves certain basic assumptions which may be grouped together and expressed as the belief that laws of human behaviour exist and are subject to discovery. However, the large number of social and psychological variables with which the political scientist, or for that matter any social scientist, deals makes control a difficult adventure and hence the findings tend to be tentative. The results of the behaviour approach are thus not comparable to those of the natural sciences. Here one may only seek to identify and express uniformities in political behaviour and the conditions and requisites associated with such uniformities on a

probability basis. Such a conscious recognition of the limitations of this new approach may not always be found in the writings of some over-enthusiastic behaviourists but usually the more enduring works in the field are definitely characterized by intellectual modesty.

The proponents of the political behaviour approach claim that political behaviour is not a field of political science. Rather it is one way of studying most of the customary subject matter of political science. The study of political behaviour attempts to discover the extent and nature of uniformities in the *actual behaviour* of men and groups of men in the political process. Events, structures, institutions and ideologies are important to political behaviour approach *only as categories of analysis* in terms of which social interaction takes place in typically political situations. The inter-disciplinary focus seems to follow from a concern with behaviour—overt or symbolic. Studies of political behaviour emphasize the mutual interdependence of theory and research. A 'brute' sort of empiricism is discouraged. A rigorous research design distinguishes political behaviour from other approaches. It is concerned with 'the formulation and derivation of testable hypotheses, operational definitions, problems of experimental or post-facto design, reliability of instruments and criteria of validation and other features of scientific procedure'. A marked predilection for quantification is the obvious feature of the political behaviour approach. Statistical techniques and associated mathematical procedures are being increasingly introduced into the body of the behavioural science of politics. Extensive use of quantified data and scale analysis has now offered a scope of measurability which in its turn has lent a new reliability and sense of precision to a fair part of modern political knowledge.

The achievements of the political behaviourists, so far, have been impressive. Important studies of political beliefs, participation, leadership, elite, communication, group and party processes, voting behaviour, legislative, administrative and organizational behaviour, etc., have been produced by a number of important scholars and academic institutions. It has stimulated co-operative group research and has also promoted fruitful ways of studying the developing areas of the non-Western sectors of politics. Not infrequently, however, the problems

selected by some political behaviourists might be less superficial if only the relevant research-group had given profounder thought to the aspect of selection. Some analysts have often chosen the easier path to success and have given little thought to the question of integrating their empirical materials in a meaningful frame. Preoccupation with quantification has in some cases meant mere collection of data and mechanical correlation without much theoretical import. There is a danger that a fashionable technique may be treated by some enthusiasts as an end in itself, with little or no reference to the questions and problems of central importance in the discipline. It would be a pity, David Truman rightly warns, if political science were to adopt the position of the inebriated gentleman who, having lost his watch in a dark alley while making his way home in the small hours of the night, insisted on searching for it near the lamp post on the main street because there was more light there. The study of political behaviour has to be conscious of its own limitations; its emphasis on the psychological grounds and its relative neglect of the situational aspects of politics seem to suggest its necessary limiting lines of comprehension.

Process Approaches. It is unfortunate that political behaviour has sometimes been equated with political process. Identification of process with behaviour in the field of political analysis is confusing. It is necessary to remember that whereas the political process refers to the concrete system of interrelated activity which ultimately influences and shapes political policy, political behaviour, in the precise sense of the term, indicates an intention to study a particular aspect of data, the psychological, to facilitate an understanding of political activity. No doubt political behaviour approaches can throw much light on the political processes. But it may be noted that many important thinkers have adopted approaches which give equal attention to the situational as well as psychological data. These thinkers have argued—obviously following Bentley—that the political process refers to the interaction among governmental institutions and social groups. All phenomena of government, suggested Bentley in 1908, are phenomena of groups pressing one another, forming one another, and pushing out new groups and group representatives to mediate the

adjustments. A rational study of politics, therefore, must isolate these group activities, determine their representative values and get the whole process stated in terms of them.

Relying substantially on Bentley, David Truman, V. O. Key, Jr. and others have formulated approaches which emphasize upon the role of the interest groups as the fundamental unit of political analysis. It is interesting that these thinkers, though committed to some extent to the behaviouristic techniques, have not restricted their attention to the narrow frame of the psychological data alone. Bentley's tools have been sharpened with greater care by his followers in order to eliminate some crude points implicit in his analysis. Scores of valuable books have been written recently following the Bentley-Truman line of thinking. Not all of them, however, have paid much attention to the limitations inherent in the process approaches. After all the activities of interest groups represent only a part of the structure of a political situation. The entire field of political interactions can hardly be encompassed by the group processes in politics. Denial of the role of reason to a great extent and comparative devaluation of the individual may appear to many as some of the positive defects of the group-process approaches. Currently, however, there is an attempt to remedy these shortcomings by extending the comprehension of such approaches.

Decision-making Approaches. Evidently there are two types of process analysis: interaction and decision-making. Most researches on process have concentrated on patterns of interaction between individuals, states, organizations, groups and jurisdictions. In general such approaches have sought to describe and measure the interactions but little has been done so far about the explanation of the patterns themselves. These 'why' questions can be answered to a great extent by decision-making analysis. A decision-making approach focuses enquiry on a class of actors called decision-makers. Authoritative actions in the arena of politics are decided upon and initiated by public officials. The key to political action then may seem to lie in the way decision-makers as actors define their situation. In an organizational frame 'decision-making results in the selection from a socially defined, limited number of problematical, alternative projects (i.e. courses of action) of one project

to bring about the particular future state of affairs envisaged by the decision-makers.' The act of institutional decision-making involves a sequence of activities.

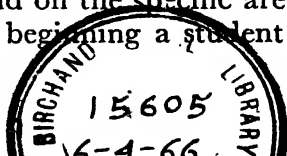
According to Snyder's terminology the particular sequence may be characterized as an event. For analytical purposes an event may be isolated. One may analyse the constituent elements of an event by separating the stages like pre-decisional activities, choice and implementation. Apparently the point of decision is that step in the sequence 'at which decision-makers having the authority choose a specific course of action to be implemented and assume responsibility for it'. The factors which determine the choices of the organizational decision-makers may be summed up as spheres of competence, communication, information and motivation. Decision-makers have preferences and a set of rules governs the actions of the decision-makers. The frame of reference of the decision-maker is an important element in this analysis because after all choices are made on the basis of preferences which are in part situationally, and in part biographically, determined. It is apparent that Snyder's approach requires quite a lot of abstraction. It may, however, be treated as an exploratory statement of a complex technique of political analysis.

Not all the studies on decision-making have emulated Snyder's vigour in methodology. It is perhaps not unfair to assume that decision-making studies may very well be integrated with the other sociologically oriented approaches of political science. The methods adopted by many contemporary political scientists may have different labels on them but quite often they have contributed significantly to the understanding of decision-making. Such points of overlapping might suggest that there is indeed little prudence in treating a decision-making approach as a substitute to the current approaches though such a suggestion would not in any way discount the value of decision-making researches in political science.

System Approaches. An ambitiously comprehensive technique of political analysis may be discovered in the eagerness of many recent political theorists to project the approaches initiated by Max Weber and developed by the eminent sociologist Talcott Parsons. The suggestion of such system theories

is obvious: they should be relevant to many or all kinds of systems, from the smallest sub-system of a social atom to the more complex systematic structures and functions in politics. According to such theories the older political categories and concepts are largely outdated. Thus Gabriel Almond prefers the category of political system to that of the state, functions to powers, roles to offices, structures to institutions, political culture to public opinion and political socialization to citizenship training. This 'conceptional vocabulary' is supposed to be an intimation of a major step forward in the nature of political science as science. The term 'system' apparently satisfies the need for an inclusive concept which covers all the patterned actions relevant to the making of political decisions. In contrast to *process*, the concept of *system*, according to this view, implies a totality of relevant units, and a certain stability in the interaction of these units which may be described as a changing equilibrium. David Easton has used an input-output model to illustrate a system approach. There are also other variations on this theme. A survey of the most recent researches in politics, specially in the areas of comparative politics and international politics, would indicate the increasing popularity of such approaches. The elaborate formal structures evolved by the adherents of such approaches, however, may lead one to think that so far the attention of such theories has been more on methodology rather than on the substantive aspects of political analysis.

Choice of an Approach. The approaches elaborated so far are not exhaustive. A more comprehensive catalogue, however, would not be rewarding because they are not likely to contribute much to the understanding of the state of political science of our time. The worth of an approach is known by its capacity to facilitate understanding. Already the approaches enumerated above would reveal many points of overlapping. Thus, the comparative approaches do utilize the observational, behavioural, group-analysis and system-analysis methods. All of them again may be sociological in this orientation and they may very well be prepared to learn something from the historical inventories of political knowledge. So much would appear to depend on the specific area of politics chosen to study, that in the beginning a student of political



science would do well to refuse to engage himself blindly to any one specific approach dogmatically. In fact, a science of politics is compatible with many of these approaches. One has to know the specific utility of an approach in analysing and clarifying a particular area of politics. Broadly speaking, one may venture to suggest, that if an ambitious coverage of the entire field of political science in one grand sweep is required, the system-analysis method may be tried with a better effect. A growing science should have an open mind in regard to the adoption of approaches, and a premature commitment to a fashionable one in a mood of irresponsible love is not likely to be worthwhile. Care, caution and the proper choice of an approach at the appropriate moment, and if necessary a fruitful combination of two or more approaches, would perhaps contribute more to the developing discipline of political science.¹

Chapter II

DEVELOPMENT OF POLITICAL SCIENCE

It is difficult to discern a simple pattern in the course of the impressive procession of political ideas and practices revealed by human history. It is easy to simplify the whole range of continuity and innovation in the evolution of political analysis into neat laws of development. It is easier to abandon the entire heritage of political knowledge by devising an apparently scientific compartment of a narrowly defined political science. Such simplifications, however, do little justice to the developing science of politics. Whitehead's aphorism, implying that a mature science must be ready to forget its forerunners, if applied literally to the field of political science, would help none. History can never be a burden provided we know how to look at it with all the necessary modesty. Many philosophers have projected their private fancies on the complicated course of history in order to build laws of history. Again some extreme positivists have turned their faces away from history with the shrill slogan that only those things can be treated as valid knowledge which can be quantitatively measured.

Both these schemes have failed to utilize the vast storehouse of political wisdom that lies preserved in the pages of political history. A fruitful study of politics requires the recognition of many dimensions of enquiry. In order to understand the converging streams of thoughts and practices in the history of politics one must be ready to relax one's requirement of the scientific procedure. The object of political science is man, not as a product of nature but as both the creature and the creator of history in and through which his individuality and freedom of choice reveal themselves. As Hans Morgenthau has pointed out, to make susceptibility to quantitative measurement the only yardstick of the scientific character of political science is to deprive it of that very orientation which is adequate to the understanding of its subject matter. Both the builders of majestic historical laws and many protagonists of scales may thus seem to be guilty of unnecessary

narrowness. And it is necessary that a student of political science should be prepared to examine the whole history of political ideas and institutions in order to sharpen his analytical capacity.

Analytical Aspects. An examination of the different stages of political evolution would require a sense of clarity about some categories which are sometimes indiscriminately used by many political writers. It is important to remember the points of distinction between, for example, political science and political philosophy. For Plato and Aristotle there was only one integrated body of politics: in their thought the philosophical and the scientific elements were not separated. The idea of separation is rather recent. Modern analysis claims that the task of *political science* is restricted to the limited field of objective enquiry while *political philosophy* may consider and investigate the realm of political goals, preferences and values. A recognition of such a dualism inherent in political knowledge evidently removes many obstacles from the road to political enquiry. Not infrequently political thought and political theory are treated as identical terms. *Political thought* may be supposed to refer to the cumulative mass of political ideas and perspectives growing out of entire communities or it may be restricted to mean the significant thought-systems arising out of the writings of the eminent political thinkers. Some commentators have suggested that the individual thoughts of the political thinkers should be labelled as political theories. Such a reservation may not be very helpful in bringing out adequately the function of political theory itself. The term *political theory* should not be equated with arbitrary personal construction; it should rather be applied to the field of efforts to construct systematic theory which consists of a network of interrelated and consistent concepts. The formulation of a theory implies arranging a set of propositions which would comply, ideally, with several conditions. First, the propositions must be expressed in terms of exactly defined concepts. Secondly, they must be consistent with one another. Thirdly, they must be such that from them valid generalizations could be deductively derived. Finally, they must show the way to further observations and generalizations so that the scope of knowledge may be increased. Theories should be capable of

being verified in order that they may gain acceptability in wide circles. In the world of science no theory can claim finality. Rapid developments in the political world tend to make the validity of political theories even more vulnerable.

Politics, Ethics and Philosophy. A close association between philosophy and politics has persisted for a very long time. In the Western currents of political thought the impact of Plato and Aristotle has forged a deep alliance between philosophy and political philosophy. Political analysis and imagination in the East has always been deeply philosophical. Philosophy, generally speaking, has concentrated on two elements, one dealing with the nature of the world and the other concerning the best way of living. Commenting on the tasks performed by philosophers, Carl J. Friedrich notes that they have asked the most general questions which the prevailing state of knowledge permitted them to ask. Some have done this by sticking to the prevailing state of knowledge, while others preferred to travel beyond it, asking metaphysical questions and trying to give answers to them either on rational or on mystical-intuitional ground. Such philosophical quests may be ridiculed by a positivist mind who may choose to ridicule the whole attempt to philosophize. The cry that political philosophy is dead is, in fact, a product of obsession with the glamour of empirical knowledge. If, however, one pauses to reflect on the very nature of the political problem one may find that ethical discussions of a philosophical nature have a good deal of significance for the study of politics. Beginning from the Greek masters a rich chain of political philosophers have speculated on good life which may be obtained through good community-arrangements and the meaningful kernel of such thoughts cannot be easily surrendered. There is good reason behind Norman Jacobson's point that the central concern of political theory is with the search for political wisdom. Political theory demands the sifting of important ideas through a discriminating intellect. It implies that 'within limits political theory is indifferent to the techniques utilized in the search for political wisdom. It is eager to embrace the results of scientific, ethical, or any other type of legitimate enquiry; for it is interested less in the accretion of knowledge than in the penetrating statement of the results such knowledge

might yield'. Such an assertion rightly declares that the methods of politics can never be exclusive and whenever philosophical imagination comes forward to serve the purposes of the political man, it is welcome.

General questions such as Why should a man obey the state? or Why is democracy better than dictatorship? or How can liberty be reconciled with authority? may be sometimes decried as unimportant questions simply because the answer yielded by such questions are hardly verifiable in accordance with strictly positivistic methods. Thus, it has been claimed that to ask why it is wrong to torture people in concentration camps is a mistaken question. The only ultimate test in such matters of whether an appraisal is correct, suggests T. D. Weldon, is a personal view or prejudice if that word is preferred. Such an extreme statement overlooks the fact that the personal opinions of some philosophers attain a significant status only when human history has found some of them to be really worthwhile. And in defence of political philosophy it may be observed that although we cannot prove the validity of the final result we may be able to evoke widespread agreement and by trying to show empirically the probable practical consequences of contrary principles, we may make the road to agreement easier. If the positivists and the behaviourists hastily conclude that the cure of our current disorders in the discipline of political science would be to banish philosophy, and to cultivate commonsense it would be better for the saner students of politics to reflect on this question more soberly. Perhaps Barker's view has much to commend when he says that if philosophy is troubling our political world so sorely, the right course is not to abrogate it, but to cultivate it more.

Politics and History. History studies the human past as a meaningful sequence of concrete and unique events, situations and processes. In relating the story of what happened in the past, the historians assemble materials which are of immense importance to the current political constructions. The relative importance of the relevance of history to the construction of political theories may give rise to differences of opinion. Thus Harold Laski strikes an extreme note when he says that 'to have value, the study of politics must be an effort to codify the results of experience in the history of states'. The element

of exaggeration about the importance of history in the political field becomes obvious when Laski develops his argument with an enthusiastic flair. We are the consequences of traditions and institutions, he goes on to say, which we did not make and can only partially alter. We are, so to speak, terms in an infinite series, each one of which is a partial clue to the point we seek to understand. Laski admits that he is 'simplifying to excess'. His idea of the historical compulsion leaves considerable elbow-room for radical social change which implies that the strings of history are not compulsive after all. The important point then is to recognize the value of the storehouse of knowledge that history appears to offer. Whether such a recognition is essential for the purpose of a particular theory of politics is, of course, a matter of controversy. Purely philosophical or analytical theoretical constructions are possible and obviously they do not require support from history. Thus, as Barker points out, 'you may have a political theory which is a good theory without being rooted in historical study, just as you may have history which is fine history without issuing in any fruit of political science'. Hence, a political theory utilizing a purely ethical or empirical substance would appear to justify itself without any necessary reference to the historical background although it would be perfectly legitimate to utilize some historical material for purely illustrative purposes.

Politics and Economics. Politics, declared Charles Beard, must have an economic basis or perish. With economics left out of account, political science, he said, cannot rise much above the level of astrology. But once the forms and ownership of property, the productive methods, the economic institutions, and the economic groups and ideas of a given society have been described with accuracy and when long-term trends in the past have been plotted, pure analysis and representative thought have almost reached an enviable point of success. The emphasis on the economic foundation of political analysis has received a rather extreme twist in the writings of Karl Marx and his successors. If in Beard's analysis economic interpretation was treated as a tentative formulation stressing the significant influence of economic factors on politics, Marx viewed it in a deterministic way. In the approach developed

by Marx the economic interpretation no longer served as a valuable hypothesis; it became a neat formula with a deterministic consequence. It is not the consciousness of men that determines their existence, declared Marx, but, on the contrary, it is their social existence that determines their consciousness. The mode of production represents the basic substructure which gives rise to the superstructure of the legal, political and philosophical norms in the society. There is an element of inevitability in the logic of the economic forces and relations which drive political developments inexorably to a patterned goal. Such an extreme reliance on the power of economic factors to shape politics has not been accepted by the Western political thinkers. However, many like Laski and Mannheim have expounded theories which appear to accept the immensely influencing role of the economic elements in shaping political ideas and phenomena. For purely methodological purposes Talcott Parsons has recently used the model of the economy as a helpful scheme to analyse the social action involved in the political frame. One can understand the concern for economics in many diverse ways among the political analysts because the intimate relation between the two sister disciplines is fairly obvious. However, it is difficult to admit any essential relation between the two in so far as we are considering the theories and principles of political science. In many situations the role of the economy evidently fails to prove to be politically decisive so that the study of politics, even after taking into account the economic factors, may, for reasons of analysis, treat it as an influential but not an essential factor.

Politics and Sociology. Political phenomena operate in the framework of social situations. Sociology seeks to formulate a science of social relations. The entire range of social relationships comes within the purview of the sociological studies. It is thus obvious that sociology is competent to add a very valuable dimension to the study of politics. It is a sign of the health of political science that it has not refused to learn from sociological researches. In fact, a revolt against dry formalism in the beginning of this century brought politics so close to sociology that some political scientists have expressed the fear that sociology is on the way of conquering the political field. It seems, however, that the initial spell of sociological

charm is on the way to settling down to the rational level of recognizing the fact that sociology is a rich adjacent area of enquiry which may contribute considerably to the understanding of politics without in any way encroaching upon the field of political science. The impact of the Reformation and the social as well as the intellectual thrust resulting from the industrial revolution were possibly the two factors which popularized the sociological consideration of the political phenomena. During the nineteenth century sociology struggled hard to develop a science of society but it was only during the twentieth century that the science of society attained a spectacular recognition.

Durkheim, Pareto, Weber, Mosca and Michels were the pioneers of important sociological investigations which led to a deep-seated reconstruction in political analysis. Armed with the psychological tools to dig the non-rational zone of human behaviour and with the sociological analysis of the problems of power, social action, authority and legitimacy, many political scientists of the new generation apparently found a renewed interest in a new type of political enquiry. In Germany, Weber approached the phenomena of politics and the state in terms of their relevance to the analysis and understanding of his principal subject, the modern order of the money economy. In this connection he considered the question of the institutionalization of authority and developed his important classification of the three basic general types: traditional, rational-legal, and charismatic. What is, for Weber, characteristic of the modern institutional order, observe Henderson and Parsons, is the relative predominance of the pattern of rational-legal authority. This is above all true of the modern state. Methodologically considered, systematic social science dedicated to the analytical ordering of empirical social and political reality in terms of general, logical categories, as initiated by Weber and subsequently, meticulously continued by the continental and the American political scientists, has undeniably enriched the field of political science. Durkheim's study of anomie, Mosca's study of the ruling class, Pareto's analysis of the élite and Michels' political sociology have inspired a generation of political scientists to seek for a large-scale reconstruction of political analysis.

The impact of sociology, social psychology and social anthropology has led the contemporary political scientists to shift their focus of attention considerably. No longer do they study state and individual relations in formal, legal or philosophical terms. Instead they concentrate on the motivations, exposures, attitudes, opinions and influences of man in groups. The dynamics of groups, the role of myths and symbols, the problem of élite-circulation, the analysis of institutions, folk-way, and mores, the examination of role, status, class and reference-groups, the distinction between manifest and latent functions and the broad problems of stability, change, equilibrium and extreme political affiliations and actions—all these and many other aspects of the social and political systems are now being intensively studied by the sociologically oriented political scientists.* It is then evident that the scope of political studies has thus gained a far wider coverage today, so much so that there has been of late a feeling of alarm that political territory is perhaps being subtly annexed by the sociologists and social psychologists. Much of this alarm may be explained by the fact that the language and technique of the new scholars in political science is so unfamiliar to the political world that the communication within the field of political science itself sometimes poses a puzzling problem. With the passage of time and a greater maturity of the new techniques and a more sober realization of the limits of the sociological approach, things would become easier. Politics is interested in the study of political power and values but sociology studies social problems and actions in a far wider context. It is not difficult, therefore, to learn the relevant aspects from sociology without surrendering the area of politics to the expanding science of sociology. Inter-disciplinary approaches do not necessarily encroach upon the area of politics; they may be used to augment its study.

POLITICAL IDEAS: A BRIEF HISTORY

The Eastern Beginning. One can discover the roots of political imagination in the distant past. It is generally believed that political vision, in a systematic form, was the product of the Greek masters. The oriental Aryans, it has been

* See also the earlier chapter.

said, did not pay adequate attention to freeing their politics from its theological and metaphysical commitments. However, there are reasons to believe that in India at a comparatively early stage of political speculations, there arose a 'technical science of polity which in course of time gathered a rich and powerful literature around itself'. Thus, among the world's oldest systems of political science, observes D. Mackenzie Brown, is that of the Hindus. Their political speculations begin at least as early as the second millennium B.C. in the Rig Veda and are continued in other vedic samhitas and in the Brahmanas. Here the questions of social system, its origins and the status of the ruler find their honoured place. Later the Dharmashastras offer a rich discussion of law while the Arthashastra literature treats in a realistic way the actual art of government. The code of Manu, the Arthashastra of Kautilya, the ancient historical tales, the treatises on policy included in the Nitishastra, constitute a distinct political heritage which had a significant impact on the Buddhist and Jain writings of the pre-Christian era. The Moslem invaders of the eleventh and the later centuries were also strongly impressed by the Dharmashastra and the Arthashastra literature.

Greek Political Ideas. The study of politics, however, received spectacular attention in the Greek writings, especially in Plato and Aristotle. The ideas of Plato provide the first mirroring of the dramatic encounter between the ordering vision of political philosophy and the phenomena of politics. He insisted that the rightful place of political philosophy ought to be at the throne of political power. In Plato's *Utopia* the citizens would be divided into three classes: the common people, the soldiers, and the guardians. Political power would be enjoyed by the guardians. Their number would be rather small and in effect an unchecked aristocracy would thus rule the republic. All stages of education would be regulated and art and literature would undergo thorough censorship. Apparently such a system would conform to a closed society of imposed vigour for the sake of ideal behaviour. Plato's 'Republic,' however, may not be supposed to be an ideological prescription for a totalitarian state. He composed his writings in such a way as to prevent for all time their use as authoritative texts. As Leo Strauss warns us, Plato's dialogues

supply us not so much with an answer to the riddle of being as with a most articulate imitation of that riddle. Plato's fascination for communism was attacked by his disciple Aristotle who while criticizing his master's unwarranted slight of imagination also indicated a positive outline of a more realistic political analysis. In fact, Aristotle's 'Politics' is still now regarded as the greatest work in political science. He combined the deductive with the inductive methods and pleaded for a political relativism which bears an astonishingly modern feature. The affirmative cultivation of the good life was the keynote of the politics of Aristotle but the concept of the good life was not so absolute as it was in Plato. To Aristotle the state is natural and man is a political animal. The state represents the great source of ethical realization. His ideas of the doctrines of the mean, the supremacy of law, citizenship, property, education, and the prevention of revolution have acquired a lasting position in the history of political science. Within the span of one century two masters of political thought had spun in the Athenian loom ideas which have shaped the course of philosophy and politics in an unsurpassed way. This Athenian lead in political thought is still now a living reality in contemporary political discussions.

Roman Ideas. The Greek city-states with their isolated framework failed to survive and as Rome shifted to a world empire in the centuries following the Augustan principate and the birth of Christ, the ideals of unity and order produced the important concepts of universal law and even cosmopolitanism implying right of men as men everywhere, independent of city-states or empires. The Roman emphasis on law was matured and humanized under the influence of the Stoic concept of natural law and these developments brought into prominence the idea of individual rights and of constitutional balance. Roman jurisprudence reached its height under the direction of the Byzantine Emperor, Justinian, and its final codification was not effected until the early sixth century. The importance of Justinian lies in the fact that during his rule, he tried to reconcile Greek and Roman Christianity and that 'in him are drawn together much of what was to dominate all politics for the next thousand years: the secular and the sacerdotal, the law of man and the law of God'.

The Middle Ages. The period immediately following the barbarian assault upon the Western Empire was not remarkable for any significant political idea. The temper of the speculations during this time was primarily theological. During the early part of the Middle Ages the political contribution was mainly institutional. The struggle between the Church and the state was perhaps the most important feature of the Middle Ages. The institution of feudalism, the revival of classical philosophy and the rediscovery of Roman Law constituted important elements of politics in this period. An organic conception of political society, the superiority of monarchy as a form of government, an emphasis on the medieval ideal of unity and the general assumption of the feudal relationship, are some of the dominant features of the politics of the Middle Ages. Even the great document known as Magna Carta was evidently tinged with a feudal pigment although this very document also prepared the ground for a modern political evolution. St. Thomas Aquinas and Dante were perhaps the greatest political philosophers of the Middle Ages. St. Thomas Aquinas provided a synthesis of Aristotelian philosophy and Christianity through the method of scholasticism—a method that has influenced the development of the whole Western world. Dante, the great poet, fused the ideals of unity, universality and peace through his appeal for and justification of a single emperor who would restore order to Italy and the world. The universal emperor of his conception was supposed to be able to rule according to reason unaffected by appetite. Marsiglio, another important thinker of the Middle Ages insisted, contrary to Dante's idea, that law and government require a popular foundation. According to his theories, citizens have the right to correct the methods of the government, and if necessary, to depose the ruler also. However, the later Middle Ages revealed a situation where democracy was mainly of historical interest and it was evident that the rising tide of absolutism was not interested in democratic speculations.

Machiavelli. If Plato and Aristotle had written the inaugural works of Western political philosophy, it may be admitted that Niccolo dei Machiavelli wrote the first work of modern political philosophy. The two important works of Machiavelli are *The Prince* and *Discourses on the First Ten Books*

of *Titus Livius*. *The Prince* (1513) is a surprisingly realistic work anticipating the attempts of the recent positivists to formulate a natural science of politics. The non-moral spirit of this early Renaissance work imparts a striking note to it. It is to be understood and appreciated as a technical handbook on the means of gaining and maintaining power. Here Machiavelli is concerned with the politically expedient elements relevant to power and seems to be quite indifferent to the morality of the appropriate policies or actions. Machiavelli was aware that a sick society needs strong medicine and he was not afraid to declare that for the sake of power and stability any means could be justified by the ruler. However, his suggestions are not absolute and one should not ignore the element of political relativism that makes his works so important for political science. Thus, the techniques of a non-moral nature advocated in *The Prince* are obviously reserved for a corrupt people submerged in an unstable situation. If the people, however, happen to be virtuous, they have a better choice: they can, as his arguments in the *Discourses* reveal, be self-governing in a republic, and Machiavelli does not hesitate to add that when possible a free state or a republic is to be preferred to the rule of a prince. In the logic of Machiavelli, the state is freed from its religious and metaphysical assumptions and gains an autonomous status. And this advocacy of politics as a self-contained autonomous adventure seems to be the most important contribution of Machiavelli to the growth of modern political thought.

Emerging Sovereignty. If Machiavelli was a 'statist' who preached in clear terms the 'reason of state,' Bodin may be called a 'legist' who laid down in his *République* (1577) that in every state there must exist a legislative sovereignty. As Barker has observed, Machiavelli may be said to arm the executive sovereign, and Bodin the legislative; but armed by both, the sovereignty of the state was to be clad in full panoply, so far as concerned the temporal sphere of which they were both mainly thinking. Bodin, however, had no notion of self-government. A more complete description of the problem of sovereignty was to wait till the Rebellion and the Revolution transferred the debate from the plane of religion to that of politics and economics. Meanwhile, the Copernican revolu-

tion consolidated by Newton was proceeding to provide Europe with a pervasive philosophy. The great scientists and philosophers of the seventeenth century were preparing the ground for a comprehensive change in the whole basis of human thought and endeavour. An unbounded faith in the power of human reason revealed by the political philosophers of this period tended to prove that the confused consequence of the Renaissance was fast yielding ground to a vital wave of rationalism. Thus, in spite of the differences between Hobbes and Hugo Grotius, one discovers a basic unity in their methods of thinking. Both of them derived their principles of politics from the nature of man and the nature of the state. Perhaps, in this they had tried to follow the same great historical example of Galileo. The fascination of the political philosophers of the seventeenth century for mathematical and scientific forms of knowledge raised an important question: if there was a 'Euclidean' method of politics it was the duty of political theory to find out and formulate the necessary axioms. This task was accepted by these political philosophers in a rather negative spirit. Their concern, as a result, was not so much to seek for the first principles of man's social life as it was to reformulate them—to dispel the clouds that hitherto had obscured the clear light of reason.

Reason and Romanticism. The conception of nature which Hobbes's political philosophy presupposes, observes Leo Strauss, is dualistic: the idea of civilization presupposes that man, by virtue of his intelligence, can place himself outside nature, can rebel against nature. The antithesis of nature and human will is hidden by the monist metaphysics which Hobbes teaches. The most mature presentation of Hobbes's political philosophy, the *Leviathan* (1651) is by no means an adequate source for an understanding of his moral and political ideas and one has to go through his earlier presentations in order to have a fuller view of the original motives of Hobbes's political philosophy. Methodology apart, the heart of the substantive part of Hobbes's argument is that, to live, there must be agreement on some particulars; an agreement to accept the decision of an arbitrator; and, therefore, the role of an arbitrator is implicit in any common life. The law of nature is to be superseded by the law that is dictated

by the command of the sovereign power. Hobbes invoked an impressive theory of social contract to advocate his case but this part of his analysis had less permanent value than that of his general method of philosophy.

If the consequences of the substantive analysis offered by Hobbes tended to support, in part, an authoritarian political attitude, a significant array of libertarian ideas was produced by his contemporary thinker, John Locke. Locke's philosophy, according to Whitehead, has been without rival in the modern world, 'as the guiding principle of scientific studies'. In the field of politics, liberalism finds its first important detailed treatment in Locke's *Two Treatises of Civil Government*, especially in the second of these. Unlike Hobbes, Locke assumed that men are by nature free, equal and independent. His theory of social contract, as a result, leads to a democratic assertion of political power devoid of arbitrary elements. His theory of natural rights has proved to be immensely important in the evolution of democracy in the United States of America. In fact, Locke's doctrine of revolution gave a meaningful substance to the idea of popular sovereignty and offered at the same time a means of enforcing the contractual basis of government. On the question of property Locke argued that property is both, at one and the same time, a natural and a legal right; an attribute of personality and a product of mutual consent. All these arguments provided a substantial foundation for the development of liberal constitutional government and, therefore, it would not be an exaggeration to suppose Locke to be the first systematic philosopher of democratic politics.

If, in England, in the seventeenth century Hobbes and Locke had concentrated on 'abstract ideas', the rest of the eighteenth century seemed to lay a greater emphasis on forging the ideas into weapons for the great political struggle. Men like Diderot and Jefferson were interested in ideas that were 'efficient' rather than novel. Even in Rousseau there was hardly anything that had not its parallel in the works of Locke, Grotius or Pufendorf. It should, however, be admitted that Rousseau made the most profound statement of the problems of political philosophy in the eighteenth century. From his vivid sense of the play of passion, he was able to transform the mechanical conception of nature into a vital principle. Rousseau's *Social*

Contract, in spite of its many confusing elements, remains a classic. His central theme is simple: man is by nature good and only by institutions is he debased. While developing his idea of contractual obligation, Rousseau believed that he had discovered the magic formula in the conception of the general will. The mystical concept of the general will presented by Rousseau aims to reconcile the problem of sovereignty with liberty through a contractual medium. In doing so he formulated a concept of authority that was to be organic and absolute. It is true that there are many apparently democratic stands in his thought, but, on the whole, the trend seems to favour an authoritarian political system. Small wonder the idealistic political philosophies of Germany and England derived so many important arguments from Rousseau's inventory.

Burke and Hume. The conservative reaction to the Age of Enlightenment was represented by Edmund Burke, who relied more on 'common sense' than on abstract reason. He discarded the social contract theory of political system as an oversimplified piece of fiction. Society, as he developed the concept in *Reflections on the French Revolution* (1790) 'is a partnership in all science, a partnership in all art, a partnership in every virtue and in all perfection..... Each contract of each particular state is but a clause in the great primeval contract of eternal society....' It is not an artificial human creation—it is to be understood essentially as a living organism. He was not opposed to change. He was, however, opposed to that revolutionary pretension which seemed to underestimate the role of history and tradition. It is interesting that Burke had taken for granted what Hegel tried to prove later; that the apparently fragmentary social tradition could be placed in a general system of social evolution. In some ways the ground for Burke's conservatism was laid by David Hume—a very important sceptic philosopher who had 'developed to its logical conclusion the empirical philosophy of Locke and Berkeley, and by making it self-consistent made it incredible.' In the field of politics, Hume's ideas anticipated cultural determinism and he felt that custom and the repeated force of habit were the great bonds of society. Hume denied the necessary existence of laws of nature and rules of morality. To him a comfortable balance, based on custom and general opinion

seemed to represent the desirable political form. Curiously, Hume's philosophy, which had a different temper altogether, was to provide many important elements on the foundation of which a generation of radical political philosophy was to depend quite heavily.

The Utilitarians. Democratic political ideas attained a new element of strength from the radical political philosophy of the English utilitarians. Founded by Jeremy Bentham and immensely enriched by John Stuart Mill, this strand of political thought arrested considerable attention during the nineteenth century. For Bentham, the proper way of evaluating every proposed course of action lay in a calculation of its probable effect upon the sum total of human happiness. In estimating the greatest good of the greatest number as the criterion of judging political action, Bentham was ready to assign to every human being an equal weight. A more sophisticated and considerably modified version of utilitarianism was advocated by John Stuart Mill who was eager to abandon the majority-oriented viewpoints of Bentham. His great work, *On Liberty* (1859), was a classic exposition of individualism where he argued that 'the only freedom which deserves the name, is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it'. Mill's advocacy of the cause of liberty is one of the greatest inspiring documents of the politics of liberalism and in spite of his many weaknesses and inconsistencies his worth has not declined in any way even in our day. Towards the end of his career he wavered a great deal between capitalism and socialism and it is interesting that this spokesman of individualism also happened to be the basic source of inspiration for the English Fabian socialists.

Idealist Political Theories. The German political philosophers of the late eighteenth and early nineteenth centuries attempted to fuse the ancient platonic concept of the reality of ideas with Rousseau's theory of the general will and thereby sought to evolve an ambitious political philosophy which is rather confusingly referred to as idealism. Kant offered a liberal version of idealism and it was left to Hegel to make a massive political doctrinal structure having an authoritarian bias. The idealist philosophers glorified the state as a com-

pleted ethical reality and actualization of freedom, and, according to Hegel, the state was to be viewed as the march of God in the world. The seductive metaphysics of idealism ultimately proved to be a useful philosophy for exalting the national state and it gave a spectacular support to the growing urge of nationalism. The Hegelian dialectic in its original logical form was not necessarily an enemy of freedom but his political conclusions were often of reactionary consequence. Subsequently, his successors divided themselves into ardent camps of the 'right' and the 'left'. Perhaps the fate of Hegelianism itself provides an interesting commentary on his dialectics. Nationalists in Germany and the Oxford idealists in England relied on the conservative aspects of Hegel while Karl Marx developed an elaborate philosophy of socialism on the foundation of dialectics.

Politics of Socialism. The question of social emancipation of the masses engaged the attention of many important thinkers during the nineteenth century. In Britain and France the socialist movements of thought were attempting to clarify the logic of socialism while in Germany Marx and Engels formulated the grand scheme of a socialist revolution in the *Communist Manifesto* (1848) and other important works. Twisting the logic of dialectics in his favour, Marx offered a systematic indictment of capitalism and initiated a programme of working-class revolution that was to herald the dawn of a new society based upon a communist concept of equality and liberation. During the twentieth century, in Russia, Lenin and his fellow men modified Marxism in order to make it suitable for the practical task of achieving revolution under the leadership of a revolutionary élite and the Russian revolution of 1917 ushered in a new era of political reconstruction on an unprecedented scale. In Germany, France and England, the social democrats and the democratic socialists of various shades and philosophies were trying to rescue the democratic core of the socialist reconstruction, and ultimately the entire camp of socialism broke up into two antagonistic camps. Under the banner of Marxian communism, one segment concentrated on spectacular schemes of violent revolution and total planning, while the other camp of socialism focussed its attention on modest plans of gradual achievement of socialism without

sacrificing its democratic and humanist core of aspiration.

The Liberal Dilemma. Political ideas glorifying either the single individual or the social whole symbolized by the state were severely criticized by the political philosophers who wrote in the first half of the twentieth century. In France, Duguit attacked the absolutist concepts of law and sovereignty. According to his interpretation, law arises objectively from social conditions. He conceived the state as primarily a public service corporation. In England, L. T. Hobhouse restated the liberal case by a subtle blending of ethics, politics and sociology which paid an equal attention to the social and the individualistic aspects of the human personality. A more important sociological investigation of the problems of politics was initiated in the continent by Max Weber, Mosca, Pareto and Michels. Graham Wallas in England, Arthur Bentley in the U.S.A. and Durkheim in France led a vigorous campaign for a reorientation of political analysis in psychological and sociological terms. The pragmatic revolt in politics in England and in the U.S.A. sought to evolve new trends in political judgment in terms of the actual consequences of political actions and institutions. However, liberal thought in this period was not always sure of its own foundations. Thus, Laski precariously wavered between liberalism and communism, while Barker made a valiant bid to save the ethical basis of political theory; Merriam and Lasswell attempted to build up a new science of politics in terms of quantitative methods, whereas MacIver approached the question of values and institutions in the context of a two-way interaction. In the U.S.A. the positivistic trends found a happy home in the liberal atmosphere. Continental sociology reshaped the emphasis of the American political scientists and a stream of sociologically oriented scholars came forward to rebuild the science of politics on new foundations. As is usual with such hurried moves, a reaction against extreme positivism, relativism and all such dry techniques has already set in and if the efforts of the critics have not yet been able to stem the tide of 'empirical research,' the question of the ultimate victory out of this scramble of schools still remains an open one. One of the greatest gains from such a struggle has been the extensive and intensive researches that have been pursued by contemporary political

scientists. Recent researches have tried to utilize many novel materials from inter-disciplinary sources and as a result the new ways of political science have, without doubt, enriched the style and content of political analysis to a great extent.

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Chapter III

EMERGENCE OF THE STATE

AN analysis of the nature and evolution of the state constitutes an essential aspect of the study of political science. This is because the affairs of the state form a large and important part of man's diverse activities which may be termed 'political'. Since politics denotes a means of gaining certain objectives, man's political activities are manifold, directed towards various ends. Politics, therefore, is not confined to the state, but the state remains the focus of a vital segment of politics among men.

Man cravès the company of others; he cannot live alone; society comes into being to satisfy this primary need of man. Man also desires to dominate others and have his own way; the state emerges to regulate the resultant conflicts and confine them to healthy limits. The question of why the state or society evolved can thus be answered; the nature and needs of man led to their creation. But it is impossible to say precisely how it all began, how the state began to grow in the misty past. Literary evidence and archæological indicators are at worst absent and at best insufficient to warrant any definite conclusion. To try to describe the exact origin of the state is to fall back largely upon guess-work. Some theories of the origin of the state are based on extravagant hypotheses; there are others which draw upon historical and anthropological evidence and can claim validity.

A. THE SPECULATIVE THEORIES

The Divine Origin Theory. This is the oldest theory of the origin of the state. God not only ordained and established the state, but governed it Himself or appointed an agent, the king. The primitive tribes believed that their chiefs were the incarnations of God. The ancient civilizations, Greek, Indian or Egyptian, promoted the same idea. Rulers themselves believed perhaps, or at least fostered the belief among the people, that they were the descendants of God. They

could employ priests to preach the divinity of kings. Rulers, therefore, were responsible to God alone; a more important consequence was the latent but frequently exercised right of kings to plead that they were not responsible to the people. Since the king was a divine being he could further assert that he was the wise man in the realm and could, therefore, freely interpret the needs and aspirations of subjects according to God's dictates which were communicable to him alone. If subjects revolted against a king they would be committing an unpardonable sin.

Obviously the tyrannical rulers hoodwinked the people with this theory and sought to preserve their authority. But in the Middle Ages they were faced with a difficulty for the Catholic Church proclaimed that kings obtained their authority only indirectly from God, i.e., through the Pope. In the ensuing prolonged struggle between the Emperor and the Papacy, fortunes swayed unevenly. Kings, however, were able to challenge the Pope more resolutely with the advent of the Protestant Reformation. Protestant Reformers wanted to liquidate the authority of the Pope and establish national churches. They eagerly preached the divine right of kings independent of the Papacy.

The theory of Divine Origin is now dead. The intellectuals of a more enlightened age, having democratic affiliations, lost all respect for it. Nobody today wastes time even on arguing that it is a thoroughly unscientific and unhistorical theory. It was given a fitting burial by the liberty-loving people who launched revolutions in the 17th and 18th centuries to tear off the masks of royal absolutism.

But a study of this theory is not totally fruitless. The theory probably had some importance in cementing popular loyalty to the ruler. When bonds of unity among the people were fragile the theory brought them together in common allegiance to a person, even if by means of a myth. It thus prepared the road to a more compact community evolving gradually into a nation-state. Besides, the Divine Origin theory might not have been always a curse to the people, producing tyranny and misery, in every case. The idea might have prompted some rulers to be God-fearing and heedful of popular welfare.

The greatest importance of the Divine Origin theory derives from the fact that it illustrates the operation of a myth used as a weapon by men who happen or hope to be rulers in a society. They carefully cultivate the myth in the minds of the people in order to seize or bolster up their own power. The theory of Divine Origin was a cover for the pursuit of power and the unsuspecting people swallowed it for a long time.

The Force Theory. The state, according to this much-respected theory, originated in the successful application of force by one group over another. The lucky warrior or the crafty conqueror would not kill all his adversaries. He would employ them productively and compel them to serve him and his followers. The vanquished would be exploited by the victors. The interests of the stronger prevailed as the state began to function. It is advisable—while explaining the origin of the state in this manner—to speak of groups rather than of individuals as creating states by subjugating and overawing others. For the prowess of a man is never so much more than that of his fellow-beings as to assure him a stable dominion over others enforced by his personal strength alone.

There is no doubt that wars and conquests played a significant role in the birth of states, for the expansion of families into clans, tribes and states was often facilitated by military operations. It is also true that states, after formation, have frequently extended their territories by force. Advocates of the Force Theory can further assert that violent revolutions have sometimes changed the character of a state. Finally, they can point to the fundamental fact that the state (or more precisely the government), holds the monopoly of force.

But it would be a gross exaggeration to declare that force alone created the state. This overlooks the complexity of the situation and the multiplicity of causes ignoring the factors, other than force, involved in the successful use of force by the victorious group. The victors themselves are bound together not by force but by common sentiments and necessities; or they would fall into pieces and lack the cohesion and organization needed to subdue another people. Superior force is not the only ingredient making for victory; the would-be conqueror must have fixity of purpose, continuity of effort and buoyant

determination. Conquests, moreover, do not constitute the only means or the best of bringing together a larger number of people under a common governmental system; in the absence of wars or threats of war, human groups might have more quickly come close to one another and created well-knit states. For the fear of war produces an insular outlook and prevents inter-group exchanges which could easily be a prelude to common citizenship.

Exponents of the Force Theory tend to pervert the conception of the state, looking upon force as its essence and justification. True, the state monopolizes force and its officials or the government can exercise it at any time. But force is merely an instrument of service to the governed; the government must, for example, be able to protect the people from foreign attacks; or, it would cease to be a government. Force alone does not stand for or justify the authority of the government. In order to retain authority the government must continuously be inspired by a constant concern for the well-being of the people. When the government has to rely on forceful measures applied against the people in order to safeguard its position, it has already revealed its bankruptcy; it has lost real authority. For a short time, the ruling group may continue to exercise power in spite of withering popular consent. People may tolerate the mistakes and misdeeds of the government temporarily. If, however, these come in an unending chain and with ever-increasing mortification, it is quite likely that the people will rise up to dethrone the rulers. Even though such a popular revolt does not take place, the government will be in the unenviable position of fearing and forestalling popular attacks. When the Spartans came to live in the Peloponnese they subjugated and enslaved the people previously inhabiting that area. They did not grant equality of treatment to the subjugated who were called helots. They lived in perpetual fear of rebellions and the life of the Spartans was reduced to life in an army barracks. The Romans, on the contrary, ruling a vast empire, did not have to militarize their life as they did not govern by force alone; they made partners of their subjects and elicited the consent of the governed; their authority proved more enduring.

In spite of its inadequacies the Force Theory cannot be

totally ignored. Even in the modern age the development of states has often been conditioned by the superior strength of one as against another. Imperialism, still a persistent and principal factor in modern inter-state relations, could not have emerged but for the superiority in force enjoyed by the triumphant colonizers. Small states repeatedly reorient their policies in order to meet the desires of powerful states. Force theorists may be guilty of overemphasizing the role of force in the origin of the state, but they supply a useful reminder of the part played by force even at present.

The Social Contract Theory. From the 16th to the 18th century this theory was held in high esteem. It was formulated variously by eminent political thinkers, e.g., Hobbes, Locke, Rousseau. All of them start with the hypothesis of a 'state of nature' that precedes the birth of the state and is transformed into a state by means of a 'social contract'. But there are significant differences of opinion between the authors as to the situation in the state of nature, the nature and consequences of the contract, and the organization of government following therefrom.

Hobbes on Social Contract. Men in the state of nature crave happiness but cannot attain it as they are dragged into an unending and somewhat purposeless struggle. They try to fulfil some basic needs and are driven by self-interest. But the struggle amongst them is perpetual because men are roughly equal in power and no one gains sufficient power to ensure lasting happiness. In the state of nature there is no organized power of the community as a whole to restrain and to order rationally the activities of human beings; hence right is might. A man's possession of good things—and happiness resulting from their enjoyment—lasts only as long as he has the ability to defend it by his own power. What he possesses is always unsafe, his happiness always uncertain. In the state of nature selfish individuals are engaged in a ceaseless competition for power; a man's life becomes solitary, poor, nasty, brutish and short; his existence becomes an unmitigated evil.

If the individual has any liberty in the state of nature, it is simply the absence of any common social obligation to obey anybody. He is not obliged to obey others unless forced to, and conversely, others owe no allegiance to him. He avoids

paying obedience to others, but he cannot avoid anarchy. There is a war of every man against every other man; men may not actually be fighting one another all the time, but a strong tendency thereto is ever present. Men, trying to satisfy their fundamental desires, are trapped into a precarious living. They seek a way out in order to secure lasting happiness but realize that an unrestricted use of their natural freedom can only result in a savage competition which is also fruitless as it yields no permanent contentment. They then become prepared to abandon their natural freedom provided everybody does so and a superior authority is set up to regulate their behaviour and confer security without which there can be no happiness. Man restlessly acquires power and wants to add to it; his combative instinct can be curbed only if power is concentrated in the organized community, i.e., the state. The concentration of power in the hands of an enduring superior authority will put an end to the unnecessary strife among men. This power will be used to restrain man and socialize him.

The social contract is the device by which the 'state' is set up to replace the earlier 'state of nature'. Hobbes personally admired the monarchical form of government; a monarch possessing unchallenged authority, he thought, would be able to confer the highest degree of security. But he could not use the 'divine right' theory to justify his conviction because even in his age that theory was not much respected by intellectuals. Hobbes, therefore, ingeniously used the device of the social contract to uphold monarchical government, although he was careful to add that power could be vested in one man or in a body of men. The contract bound all men who consented to surrender their natural rights to the ruler. Equality between men in the state of nature gave way to voluntary subordination of individuals to the absolute ruler. Individuals lost the freedom of action which they previously enjoyed in the state of nature; but they gained the security which eluded them in that state. The ruler would work for common ends and receive unquestioning obedience from individuals so that the superiority of the ruler might be effectively preserved.

Locke on Social Contract. Locke's ideas are substantially different from those of Hobbes. In the state of nature, as

portrayed by Locke, men were not engaged in a perpetual purposeless strife, for they were rational beings. They enjoyed certain natural rights because they were reasonable and appreciated the advantages of co-operation as opposed to constant conflicts. Firstly, men in the state of nature possessed the right to life; they would not interfere with the right of one another to live. Hobbes, on the contrary, stated that killing each other was a normal activity of human beings in the state of nature. Secondly, Locke affirmed that men enjoyed liberty resting on a common rational acknowledgment of mutual interdependence. Of course, in the state of nature the rules of behaviour were uncoded and men were bound by voluntarily accepted but undefined obligations to one another. In the Hobbesian state of nature, however, freedom for man consisted in his capacity to gain as much as he could for as long as possible, by force or fraud. In the third place, men in the Lockeian state of nature possessed the right to property; everybody recognized it as just that all should be able to enjoy what was produced by them with their labour. According to Hobbes, men had no such reciprocally respected right to property in the state of nature; they had only a right to possession depending on their capacity to grab a thing and guard it against seizure by others.

Locke could not be unaware of the difficulties facing man in the state of nature. Rules of natural living were the dictates of reason, but they were not precisely formulated; hence there might be honest differences of opinion between persons applying them in a particular situation. Differences might also arise due to the pardonable tenacity with which men might pursue their own interests as opposed to those of others. Men in the state of nature, therefore, felt the need to lay down a definite set of known law. Moreover, an impartial judicial body was to be established to decide the guilt or innocence of parties to a dispute. An executive authority was also to be created to enforce the laws. These difficulties could be solved and the needs of men in the state of nature could be fulfilled only with the establishment of a state. This state would cure the defects of the state of nature and bring to perfection its essential virtues.

Men, therefore, contracted to set up the state. Logically,

Locke's analysis involved two contracts. Firstly, there was the pact of union; each individual contracted with every other individual to form a community. Secondly, there was the pact of subjection; according to it the government became a trustee for the people. The government protected the rights of the people to life, liberty and property in order that it could legitimately claim their allegiance. The people agreed to obey the state because their rights would be guaranteed by the state. The pact of subjection included the provision that laws of the state would be formed with the consent of the majority; individuals were obliged to obey the decisions of the majority. In the contract-born state, therefore, the people would enjoy securely rights whose exercise was fraught with fears and uncertainties in the state of nature.

Rousseau on Social Contract. Rousseau passionately declared in the celebrated opening sentence of his book 'The Social Contract,' 'Man is born free, yet everywhere he is found in chains'. Men in the state of nature, said Rousseau, lived a blissful life. They were ignorant and poor; but they were innocent, honest and noble. The unsullied children of nature were free, equal and happy. They lived according to their natural instincts and remained healthy and robust; they were unsophisticated, but not immoral. Rousseau protestingly noted the contrast between this state of nature and civilized existence characterized by inequality and lack of liberty. In his 'Discourse on the Arts and Sciences' and 'Discourse on Inequality' Rousseau pleaded fervently for going back to nature. That such a plea was extravagant was realized by him when he began to write 'The Social Contract'. It was impossible to throw away civilization and suddenly go back to nature. Man was irredeemably infused with the traits of civilized existence. Rousseau, therefore, tried to explain the emergence of civil society and to discover basic principles of legitimate government which would restore to men in political society the equality and liberty of pre-political existence. He wanted to fix some principles of political obligation reconciling liberty with authority and conferring on men the benefits of the state of nature.

Rousseau used the notion of the social contract in his search for the underlying principles of a thoroughly democratic

society. Society was created by agreement; the authority of man over man can be legitimate only when it is based on an agreement and not on force. Rousseau asserted that man surely did not, by means of a contract, deprive himself of freedom and equality. Man could not be so fatuous as to give himself away to a ruler for nothing. Even if he did so, his descendants would not be bound by his senseless gratuitous bargain. It is an illicit contract, said Rousseau, that put into power a ruler whose authority was unrestrained and extorted absolute obedience from the ruled. Men were by nature incapable of surrendering their liberty by convention; they would cease to be men if they did so. When, therefore, rational men in the state of nature decided to abandon natural living, their aim was 'to find a form of association which will defend and protect with the whole common force the person and goods of each associate, and in which each, while uniting himself with all, may still obey himself alone and remain as free as before.' The social contract, according to Rousseau, replaced insecure ways of living by security, natural independence by liberty. In the state of nature a man's strength could be a menace to the rights of another, and *vice versa*; social union safeguarded those rights. The loss of freedom in the state of nature far exceeded that in the state created by the contract. But Rousseau appeared to rise to the height of mysticism when he assumed that by means of the contract men surrendered their private wills which were then merged in the magnificent General Will. This General Will, representing the enlightened, selfless and durable aspects of particular wills, was the sovereign in the state. This sovereign was to serve the will of the people and realize their welfare.

Rousseau's emphasis on the common good to be secured by the sovereign revealed that he, far more than Hobbes or Locke, could grasp the essential relationship between man and government. Hobbes incorrectly assumed that man was wholly unsocial and it was only self-interest that drove him to create government. Locke thought men had undoubtedly social inclinations, but expediency acted and reacted upon inclinations to bring government into existence. Both Hobbes and Locke argued in terms of the particular interests of different individuals which the state was called upon to protect. But

they could not think of the common interest transcending the isolated interests of particular individuals. This forms, indeed, the bedrock of a government as it unites individuals in a grand enduring partnership. Rousseau could assess the importance of this common bond in the growth and vitality of the state; hence his conception of the social contract was lifted far above the clamour for divergent individual interests.

Defects. The Social Contract theory is unhistorical. A study of history does not entitle us to conclude that a social contract was ever resorted to for creating a state. The social contract remains a historical fiction.

A more fundamental objection against the theory is that it misconstrues the nature of primitive man. Primitive man would cease to be primitive if he had the capacity and the consciousness to conceive of and enter into a contract. The theory endows primitive man with something totally beyond him.

A theory hinged round a 'state of nature' misses the vital point that the emergence of the government is not divorced from a social order. A government has to grow within a social order, not outside it in a state of nature. Government begins when man, because he is a social animal, forms a social unit, i.e., the family, and frames regulations guiding its activity. Government is inherent in these social regulations and is not the result of a sudden innovation, e.g., a contract. As relations between men grow in extent and diversity, government assumes its present complex form, adjusting the interactions of human needs and maintaining order in an organized community.

Although a lover of liberty feels attracted to such a theory, because the contract implies the consent of the governed, he may be deceived if a ruling group takes shelter behind a social contract while governing tyrannically. It may invent, and by controlling the mass communication media, propagate effectively, the idea that its authority derives from a social contract and hence lies above criticism and challenge. For example, a ruling clique may offer a constitution to the people who ratify it by a plebiscite; next, by cunning interpretations of the constitution, which is akin to a contract, it may proceed to rob the people of all their liberties.

Value. The shortcomings of the Social Contract theory must not blind anybody to the important role it has played in the development of political ideas and practices.

The Social Contract theorists rendered a valuable service by drawing our attention to the fundamental need of a people, i.e., security. This is the primary duty of the government—to confer security; and the contract aims at it. For an individual the motive for security may sometimes be subordinated to religious or other considerations. But for a state the major concern is security. A state that neglects the needs of security in order to care for a religion may imperil its existence and lose the opportunity to nurse that religion.

- The phenomenon of a contract suggests that the consent of those who enter into a contract is the basis of governmental authority. A corollary to this will be the argument that governmental authority, in order to justify itself, must thrive on popular consent. The contract theorists agreed that in the state of nature man was free. If men were born free, they could claim some natural rights. These rights were sacred and inalienable and their exercise enabled a man to pursue happiness. The theory of natural rights stirred the popular mind to its foundations; but it could not be proved; however, the people liked it and, therefore, accepted it. It could be a yardstick for judging the failures and achievements of kings and magistrates. If they violated natural rights, they might be said to have forfeited their right to rule.

The Social Contract theory glorified individual rights. It justified the resistance to royal absolutism masked by the Divine Right doctrine. It inspired men to proclaim freedom of conscience, and by encouraging the freedom of economic enterprise it nourished the roots of capitalism.

The theory of popular sovereignty is a companion to the doctrines of Social Contract and natural rights. The Social Contract theory deeply impressed the apostles of the French and American Revolutions in the 18th century, who invoked the doctrine of popular sovereignty. The powers of the government, they asserted, could be justly exercised only when they were derived from the consent of the governed who retained the final authority of political decisions. In consequence, succeeding decades saw the installation and improve-

ment of the machinery for subjecting the government to popular control. The gradual introduction of universal adult suffrage convinced the rulers that their authority was not beyond question and was always exposed to a potentially fatal challenge by the electorate.

The Social Contract theory also gave an indirect sanction to the right to revolt against an established government. A government could be condemned as violating the social contract if it failed to realize the common good and destroyed the rights and liberties of the people. The Social Contract theory could be utilized to prove the righteousness of a revolution and arouse the masses in a planned resistance to the despotic government. The theory, thus, immeasurably strengthened the democratic cause. It insisted that state authority ought not to be exalted at the expense of individuality.

B. THE REALISTIC THEORY

The Historical or the Evolutionary Theory. The earliest beginnings of the state will always elude historical research. Many diverse fluctuating factors which were the seed-bed of the complex state organization of today remain permanently hidden from our view. History, however, can shed light on the development of family life containing the essence of a governmental system. Although the family was the matrix of government, the passage from families to sophisticated forms of government took centuries. The process was not only slow but confused. The account below provides a realistic but simplified model of the evolution of the state. It cannot, of course, do justice to the endless variations attendant on each step of the long evolution.

Family. The family is the primary human group and the most primitive social unit. As the family functions, it creates regulations, e.g., about administration of property, conduct of youth, and sex relations. The family organization is thus guided by a set of rules of behaviour and represents government on a small scale. A modern government regulates the life and activities of a much larger number of people dispersed over a far wider area than the family. Yet the family exhibits the essence of government as it imposes far-reaching regulations on the child. The child is governed in the most thorough-

going manner and as it grows up it acquires habits and attitudes demonstrably moulded by the elaborate family code. The effect of family government on human beings is continuous and profound. A modern government is almost a magnified version of the same system, more inclusive and more penetrating.

Tribe. The family expanded as common interests united families into a tribe paying allegiance to an acknowledged leader or chief. Blood relationship or a common religion might have helped the formation of the tribe, but the basic feature of the tribe was the authority of the leader transcending family limits. The hands of authority lengthened and the sphere of government began to widen till it reached its present massive form.

Centralization of Authority. The tribe was probably governed by 'the elders' or the 'old men'. It is conceivable that heads of families met together to discuss problems arising out of conflicts between individuals or families. All the heads did not surely play an equally dominant role in those meetings. A man of extraordinary personality would assert himself and gradually gain recognition as the leader or the chief. When for the first time his view moulded the decision of the community, a precedent was created. Precedents accumulated and the powers of the chief came to be more and more clearly formulated. Ceremonies were devised adding splendour to his authority. The chief's authority extended as contacts with other tribes became frequent and the life of the community became more diversified.

Need for Unified Leadership. The necessity of a leader became more manifest when a tribe settled down on a definite territory and began to practise agriculture. The rights of individuals to a share of the land had to be delimited by the leader. Property, whether in land or other things, involved many problems, e.g., inheritance, inequality, theft; the resourcefulness of the leader was tested in solving these problems.

Firm leadership was also needed to provide for the defence of the community. Instead of debating whether tribes were by nature peaceful or warlike, it is easy to understand the causes of conflict between tribes. Each tribe sought to preserve itself, its lands and food supply; it might sometimes acquire

new lands and sources of food by subjugating another tribe; a neighbouring tribe might pounce upon it and exploit its economic resources. Tribes, therefore, needed leaders capable of maintaining military organizations geared to offensive or defensive purposes.

Capacity for Leadership. An Alexander or Napoleon, possessed of consummate leadership, can shape the course of history. This is not a product of physical strength; it rests on courage and perseverance, will-power and imagination, a sense of realism and fixity of purpose, and something above all these. This 'something' is undiscoverable, but it determines the quality of leadership displayed by a Lenin or Churchill and differentiates them from their eminent contemporaries. It enables a leader to produce turning-points in history, to carve out big states and rule large communities. The evolution of the state was, to a considerable extent, moulded by the capacity of some men to impose their will on others.

Religion. A bond of unity among individuals and groups was undoubtedly supplied by religion. At different stages in the evolution of the state, religion exercised varying degrees of influence. Sometimes the laws of the state were said to be derived from the laws of the Church, or the king was invested with the Divine Right. The importance of religion could be felt also when one religion was declared as the official religion or citizenship was identified with the mode of worship.

Wars and Conquests. Wars and conquests were potent instruments in bringing into existence wider political units. The amalgamation of families into tribes and of tribes into larger units of government was frequently caused by war. Sometimes smaller tribes would unite because of the threat of aggression by a big tribe. War sometimes served to create social inequalities if the victors made slaves of captives or converted the subjugated tribe into an object of colonial exploitation. When the conquerors killed all the members of the defeated community there could be no extension of the area of government except in terms of territory. When, however, they only collected tributes, the vanquished and the victors might intermix; common interests might gradually be recognized and a sense of unity might develop to carry the evolution of the state one step forward. War, furthermore,

made a community disciplined and thereby assisted the emergence of stable political units.

Differentiation of Organs of Government. In primitive societies the functions of the government were undifferentiated as the distinction between the governed and the governors was blurred. Custom and tradition ruled while leadership was not yet incorporated in specialized institutions. Gradually as the chief was designated and the priest was recognized, the lines of authority became clearly drawn, and the functions and organs of government began to be differentiated. The trend was intensified as society grew more and more complex. Differentiation was increasingly necessary and became progressively refined till the full-fledged state with its tangled paraphernalia slowly emerged.

Development of the States. The modern state system is the result of evolution through centuries. Available records indicate that evolution has not followed a uniform pattern. Various types of states have appeared and co-existed.

Earliest States. China, Egypt and India built up states which grew into vast proportions. In Peru also there was a similar political development. These empires could not be characterized as primitive. Election by secret ballot and rotation of office prevailed among the ancient Sumerians. Egyptians and Babylonians made remarkable progress in mathematical calculations. The great states which developed in the course of time into the mighty Maurya empire in India had their own glories. These empires often permitted slavery, and the absence of modern democratic processes may prompt one to call their governments tyrannical. We must not, however, overlook the fact that such tyranny was always and considerably mitigated by the dictates of religion, tradition and custom which regulated large segments of social life. Moreover, few inhabitants in these empires had any different conception of authority and the empires survived over long periods of time, contributing significantly to human development.

Greek City-States. The Greek city-states came into life after about 1000 B.C. Their glorious days extended from the 7th to the 4th century B.C. They were separated by mountains and this stimulated an emphasis on their individual distinctiveness; their inhabitants felt pride in belonging to their own

city-states—a pride which resembles modern national sentiment. Many of the Greek city-states were near to the sea and the coastline was deeply indented; the people became in consequence adventurous seafarers; the cities became centres for exchange of goods and ideas.

The Greeks are regarded as pioneers in the field of political studies. Few of the ancient empires produced such systematic bodies of political literature as did the Greeks. They are credited with having consciously speculated on the nature and ends of the state and with having produced for the first time a well thought-out philosophy of politics. The writings of Plato and Aristotle, of eminent historians and dramatists, preserved for future generations, not only the records of Greek political experiments, but also, the fruits of systematic thinking of the Greeks on the affairs of the state, and these formed the foundation of all future study of political science.

The Greek city-states were self-governing; the inhabitants were of two groups—citizens and subjects. Contacts between the government and governed were intimate; the citizens condemned absolute hereditary rule and managed their own affairs. They elected officials, formulated laws and administered justice. But slaves and foreigners were not granted a share in governing the country; they were not citizens; they were denied the rights of self-government. Direct democracy as practised in a city like Athens was the chief contribution of Greek public life.

So far as the Greeks were concerned the state was all-inclusive. No distinction was made between what in later stages of civilization became political and what became social in character. The state was omniscient. It existed as much to maintain order as to enrich culture. The line of demarcation between what the state should enforce and what it should leave to the spontaneous activities of citizens was not maintained. Some might think that the roots of civilization would wither when the state regulates every aspect of human existence. But while 19th century thinkers might have taken exception to this pattern, in the present century we have been accustomed to a government with comprehensive functions.

Rome: City-State to Empire. One amongst many little

city-states in Italy, Rome aggrandized herself inside and outside Italy. Rome established a Republic and a class of citizens began to manage the business of the community. Its three factors of government were the consuls, the Senate and the Assembly. But as the city expanded its authority beyond its own confines democracy became vitiated due to a virtual concentration of powers in the Senate and disappeared almost completely with the emergence of dictators like Sulla and Caesar. Dictators, however, were clever enough to retain democratic forms. They did not risk organized resistance by openly destroying the democratic institutions, but instead covertly deprived such institutions of all substantial authority. Their tyranny was more dangerous because it wore a democratic dress. Rome, however, built up a gigantic empire bringing under its sway all Italy, Western Europe, Asia Minor and the Mediterranean basin. Free trade was established over a large area helped by the maintenance of communications and efficient policing. The Roman Empire enjoyed an unparalleled prosperity. More important, however, was the development of the system of Roman Law. This law, applicable to vast territories, earned a dignity of its own and became a great unifying force.

The collapse of the Roman Empire led to the dispersal of governing authority among hundreds of petty rulers in Europe who governed by virtue of ownership of land. This was feudal anarchy which masqueraded as government.

The Modern State. Feudalism declined in the 15th century and the modern state as we know it slowly emerged. It came into full view in the 16th century and substituted the unchallenged supremacy of a central government for the chaos of the feudal era. Royal control extended to all spheres and embraced all subjects. By the 17th century the political authority was fully concentrated in the central government. Life under a common authority led to an accumulation of common historical experiences which moulded the feeling of nationality. In the evolution of the modern state national sentiment first arose as an attachment to a common way of life as well as to a common local language. The feeling of nationality gave the people a consciousness of being different from others. Later on when the people of Poland bitterly resented the parti-

tions and when the Americans fought for independence from British control, another important aspect of national feeling came to the forefront: it was the desire to live permanently as an independent nation.

Another stage in the growth of the modern state was the slow and gradual introduction of the representative institutions which supplanted absolute monarchy. England was the first country to develop and improve a parliamentary form of government on the ruins of royal absolutism. When the people began to participate in the conduct of public affairs, this association of the people with the governance of the state stimulated further the feeling of nationality.

Nature and Definition of the State. It is impossible to provide a comprehensive and scientific definition of the state, for states in different periods of human history, in ancient Greece or modern Europe, exhibit attributes defying synthesis. To give common attributes to these states and accordingly frame a definition is a difficult task, rendered more difficult because the term 'state' is employed variously in ordinary conversation. The language of daily conversation injects confusion into the meaning of the state.

Modern usage regards the state as a combination of (a) people, (b) territory, (c) government, and (d) sovereignty. The enumeration of these four elements, however, immediately raises questions which are not easy to answer. What should be the size of the people and the territory? How much racial or cultural homogeneity among the people is required? Only vague answers can be given and sometimes no answer. To reduce difficulties one can affirm that the territory should be more or less extensive and population fairly large. The people must possess a common government, but of what type? The answer is to be avoided because there are numerous types at present and many more throughout the course of history. Rather a cautious general observation may be offered: relations between men of authority and those over whom authority is exercised are strictly impersonal; there must be a recognized body of rules guiding the activities of officials entrusted with powers of government. This government must, finally, enjoy sovereignty, it must not be controlled by any other similar organization but must be independent. Thus, a state

may be smaller in area and much less populous than New York or West Bengal; yet it is a state by virtue of its sovereignty and independent governmental organization; New York or West Bengal will not be recognized as states because they do not possess sovereignty, and although each has a governmental apparatus of its own, it is of a subordinate character.

This quartet of population, territory, government and sovereignty may be used to describe a state, but not to define a state. What we get is not an adequate definition of the state but a simple description of its observable external features. This description, too, is not universally applicable—there are exceptions pointing to flaws in this description. Even if the description is revised to eliminate possible exceptions, it will fail to provide a real insight into the nature of the state, its purposes and activities. An analysis of the nature of the state, again, leads to disagreements among scholars who prefer different approaches having validity and usefulness in the eyes of their own exponents. Exponents of rival approaches raise objections to one another's views; but a discussion of diverse opinions, even though inconclusive, facilitates an understanding of the nature of the state. Three approaches to an analysis of the essential nature of the state are outlined below.

The Juristic Approach. This provides a ready means of distinguishing a state from an entity which is not a state. The state is the only authority that can clothe laws with validity. It is the fountain of legal competence. Advocates of this approach emphasize the intimate interconnections between legal and political problems, and the fact that laws are the instruments of state control. While this approach is satisfying to those who dogmatize the legal quality of statehood, it shows two obvious defects. It does not evaluate the state; it evades discussing the nature of the authority from which laws derive their validity. As an appraisal of the nature of the state, therefore, it remains incomplete.

The Realistic Approach. Man is instinct-bound to live with fellow men and build a community. He tries to live rationally, hence he must live with others. If, however, he has to live peacefully with others, he must accept the authority of the state. His impulses alone cannot be relied upon to bring about harmonious relationship with his fellows; it can

be secured by his adherence to uniform patterns of behaviour prescribed by the state. Uncertainties and insecurities will haunt the individual and no social order can thrive unless the state enforces some common rules of action. These rules, again, will enable individuals to enjoy freedom by granting, for example, the security of life.

Men have a complex of desires. They need food and shelter; they want to have families; they may like to go to church. They also have impulses to combat, to dominate others, to earn respect, etc. But if men are the prey of impulses, they are also guided by reason. They can watch and judge the impact of their activities upon others. By exercising reason they begin to realize that their impulses can be best satisfied only when their activities conform to the principle of social good. What is beneficial to the individual must also benefit others. Otherwise, the individual will move to frustrate the harmony of impulses which others seek to attain and *vice versa*. The principle of social good dictates that the personality of an individual is to be so moulded as to desire things serving himself and others at once. Men need an instrument to realize social good in the grandest possible manner and on the widest possible scale; the state provides such an instrument.

The state has to perform various functions answering the numerous complex needs of individuals. The state enjoys supremacy over all men and institutions within its territorial jurisdiction. Theoretically, it can control all areas of human activity. In practice, it may not interfere with all aspects of human activity because that is impossible, unnecessary or dangerous. Yet the area regulated by it is so large as to enable it to order the substance of human lives. The destiny of individual lives is largely regulated by the state. Yet the state is never to be identified with society. Many social activities are completely and incontestably outside the purview of the state. In matters of religion, personal courtesy or dress—to take a few examples—the state is justified in remaining a passive bystander. So far as the daily activities of the state are concerned, again, the will of the state is not the will of society as a whole or of the entire citizen-body. For all practical purposes the will of the state is the will of the government; the actions of the state mean the actions of those who

have the power to legislate and to execute statutes. The wishes of the people are not precisely expressed in comprehensive plans of action and the government has to take innumerable decisions to translate popular desires into reality. The ultimate power in a democratic state may reside in millions of voters; but the power that is daily exercised is vested in a few persons whose will is legally supreme within the state.

The few who exercise the power of the state, and to whom the many owe allegiance, must exercise it in such a way as to realize the purpose of the state. This purpose is to secure conditions in which individuals attain their best selves. Individuals obey the state willingly when they are convinced that governors are making earnest endeavours to realize that purpose. Individuals will judge the performance of governors; they will examine whether the governors merely profess purpose or actively pursue it. The realistic theory of the state will always declare that power is conditioned by duties. The state has to fulfil certain obligations towards individuals; that is why it is endowed with power. The state has the supreme duty of creating conditions in which the individual can realize the best in himself. The activities of the state are not inherently right. They are right as far as they permit the satisfaction of human impulses and the enrichment of social life. The state can, of course, only inspire men to fulfil their potentialities; it can create an environment giving that opportunity to men, but it cannot be blamed if individuals fail to utilize that opportunity. At the same time the obedience to the state paid by individuals is real obedience only when it is based on a scrutiny of the performance of the state. The government wields the power of the state on the presumption that it will exercise power to promote social good. The presumption may or may not be corroborated by the experience of citizens.

There is a continuous possibility that the power of the state may be abused. Those who form the government may lack good intentions, and even if they do not, they are fallible. What is more dangerous, they are susceptible to temptations of power making them forgetful of the goals of power. Thus, the citizens have the continuous responsibility of enquiring whether and why the government has failed to further the

common good. They must ceaselessly scrutinize whether they have been granted those rights by the state without which a full, rich and harmonious social existence cannot be attained. Proponents of the realistic approach will add, however, that individuals have the implicit duty to deserve those rights and to contribute to the social good by exercising them honestly. Individuals receive those rights not for personal benefits but for social well-being; the state confers rights for promoting the common good.

The Idealistic Approach. The state, according to Idealists, is a moral entity. It has a being, a personality. A man is what he is solely by virtue of his membership of the state; he can fully develop his personality only in a state. The laws and institutions of the society are the outward manifestations of the state's personality; the common consciousness of citizens is its inward expression. The state's consciousness is instilled in the human heart and becomes the individual's consciousness. Each individual is completely dominated from within by the spirit of the state for the state is the fountain of social righteousness. Social righteousness controls the relations of individuals to one another and is not only a self-consciousness, but also a habit of life observed by the people. It lies in the mind of individuals impelling them to respect the spirit of the state; it is also a visible system of laws and customs, opinions and beliefs, which the people recognize. Social righteousness is vested in the state; the state has a moral authority which transcends the purely subjective dictates of the moral imperative and the purely objective prescriptions of law. The state thus becomes the repository of true morality.

It is easy to understand how the personality of the individual is permeated by influences originating from the community in which he lives. He is born into a family that shares certain cultural attributes with other families belonging to the same community and transmits them to the child. The family, itself moulded by the society, also moulds the life of the child, educating and indoctrinating the child. The child grows and acquires many ideas from the socially conditioned family, although he has not the intellectual power to test the validity of those ideas. The personality of the individual thus comes to be fashioned by the matrix of the state. The state

is a whole of which individuals are parts; the parts are inter-related; their growth and functioning are determined by the whole. The spirit of the whole informs the parts. The whole expresses itself through parts; the state realizes itself in and through individuals, and the existence of individuals, again, becomes meaningful in relation to the state. The parts may seem to be isolated and unrelated; but their consciousness is pervaded by the whole. The individual is as much within the state as the state is within the individual; the individuals are conscious of themselves as individuals and as parts of the state. In so far as the individual is conscious of the whole of which he is a part, the whole, i.e., the state, becomes also self-conscious and self-actualizing. Individuals thus create a new entity with a unique personality, i.e., the state. Individuals manifest a spirit that is eternally embodied in the state; for the state is a permanent organism, while individuals live for a limited period. The state is able to represent the immanent spirit of the nation.

Idealists seek to identify individual morality with service to the state. Relations of men with fellow men comprise the basis of individual morality. The state determines these relations and, therefore, it is the state which enables the individual to achieve morality, for by its spirit and its laws and institutions it endows individuals with morality. The individuals on their part must conscientiously execute their social duties and serve the state scrupulously and when an individual completely subordinates his will to that of the state, he attains the highest degree of morality. The individual, to be sure, owes allegiance to other associations, e.g., a church, a cricket club or a trade union. His loyalties to such associations should be promoted but these loyalties ought to be conceived as embraced, and yet transcended, by loyalty to the state for it is the state which expresses itself through all those associations.

The individual should pursue some ideal objectives but he is indebted to the state which has enabled him to formulate certain ideal ends, for it is only in the state that he can fully develop his nature and only a fully developed nature can attain ideal ends. The state, again, bestows on the individual the right to pursue those ends. It is the repository of the best elements in the natures of individuals. The individual cannot

have any real rights which are in conflict with those of the state. In a case of conflict the rights of the state supersede rights of the individual. The state removes hindrances to the living of a good life directed towards ideal ends. The individual, therefore, can enjoy freedom only by serving the state which secures certain objective circumstances without which the individual is unable to live a good life. As the citizen obeys the state he achieves freedom. As he abides by the laws and upholds the institutions of the state he is adhering to the prescriptions of social righteousness, and therefore, gaining real freedom. The concept of the state as the repository of social righteousness implies also the concept of the highest form of good life; in obeying the state the individual is realizing that good life. Without the state individual freedom is impossible for the individual attains freedom because of the state; he cannot attain it without the state. It can be imagined how in some situations the individual may be forced by the state to be free. Thus, a robber, acting as a robber, is not exercising real freedom; when detectives, who are the officials of the state, catch him, he gets a real opportunity to be free; serving a prison sentence he will be compelled to attain real freedom.

The state has no moral obligations either to individuals or to other states. The state is the fountain of social morality which, again, comprises and transcends the moral relations of citizens. The whole is not bound by moral relations to its parts; the parts must so function as to maintain the vitality of the whole. The good of the state comprises the good of individuals. The individuals are morally obliged to act in such a way as to preserve the strength of the state but the state has no reciprocal duty to individuals. The state presides over the moral world of citizens; but it is not a party bound by relations obtaining in that moral world. The state can legitimately demand any service from the individuals including the sacrifice of their lives. Especially in times of war the state can call upon individuals to act in whatever way it feels necessary. In an emergency the state may utilize individuals in all conceivable ways; and, of course, it will itself judge whether there has arisen an emergency. Furthermore, the state is exempted from moral obligations towards other states.

For the state does not owe moral obligation to any other entity. The state is free not to consider requirements of justice while shaping its policy towards another state. No considerations of morality should inspire the state in its dealings with another state.

The idealistic approach, however, is exposed to various *criticisms*. Idealists often assume that the state is an end in itself and their viewpoint appears to endorse the omnipotence of the state. Critics challenge such assumptions. It is easy to accept that a man can fully develop his personality and realize freedom only in association with other individuals and, therefore, only in a state. But to accept this cannot justify accepting the theory that the state is omnipotent and constitutes an end in itself. Individuals do not live for the state; the state is an instrument of service; the state lives for the individuals. To argue, as the idealists do, that a man is merely realizing his real will when he is coerced by the state to carry out its dictates, is dangerous. That would condone all tyrannical acts of the state's officials. Idealists affirm that the rights of the state override the rights of individuals, and thus keep the individuals defenceless against undue encroachments by the state. Illegitimate acts of the state would appear to be legitimate once the distinction between the 'real' and the 'unreal' or 'actual' will is admitted.

Idealists are guilty of paying insufficient attention to voluntary associations which bind citizens within the state or even link up citizens belonging to different states. An important and expanding segment of human life is regulated by these associations, and many vital desires and interests of individuals are nursed by them. Participation by individuals in the activities of at least some of these associations cannot be considered less important than their participation in the activities of the state. To glorify the state in such a way as to neglect the importance of these associations means taking an inadequate view of the multifold aspirations and enterprises composing the life of the individual. Especially an association like the Roman Catholic Church, with followers all over the world, considerably devalues the mystic exaltation of the state by idealists.

The idealist theory unwarrantedly looks upon the state as

an isolated entity emancipated from moral obligations towards other states. Some idealists, e.g., Hegel, even advocate that the state can realize its true being and display latent virtues only in war. History indeed attests the fact that states while dealing with other states are often guided by expediency rather than by morality; but idealists proceed to clothe a policy of expediency with morality provided it is pursued by a state. Thus, they set up a double standard of moral behaviour. Individuals will be accused of immorality if they take a certain course of action in their private capacities, but not if they do so as representatives of their own states in relation to other states. A state in practice stands in necessary moral relations with other states; everyday states are performing acts, in relation to other states, which are peaceful and indicate an awareness of reciprocal obligations. Patent facts like these are overlooked by idealists when they allow the state to operate in a vacuum and to add to its dignity by engaging in hostilities.

It should also be affirmed—although idealists deny it—that the state has positive obligations towards its citizens. When citizens are governed by the state, they are not governed by an abstract entity which can be said to have no moral responsibilities; they are governed by men who wield the power of the state. Rulers are capable of committing moral or immoral acts. Daily they have to exercise powers touching the lives of individuals. It can be emphasized that rulers have definite moral obligations to promote the welfare of the ruled. The adoption of idealistic teaching constitutes an evasion of these responsibilities.

Idealists incorrectly assume that the state represents the final unit of human integration. The process of evolution from families to nation-states suggests that mankind gradually moves towards higher types of organizations embracing a larger and more diverse number of elements than their predecessors. The nation-state may not remain the final form of human organization. Growing economic ties between nation-states have already indicated that human needs cannot be properly satisfied by the type of organization that a nation-state represents; from the standpoint of economic needs of humanity, the concept of the nation-state is outdated. It is

quite possible that men will be driven to construct a new ^{rate}un-
i.e., the world-state, in response to needs that become irresistible.
Those who idealize the state are oblivious of the possibility
that the nation-state as a unit of human association may be
replaced by another having a greater ability to satisfy the
interests of mankind.

This short survey of the important approaches to the study
of the nature of the state leaves us with one certain reflection:
the definition of the state will remain uncertain. It is impos-
sible to formulate a definition that will suit all purposes and
satisfy all scholars. Men have varying temperaments and in-
terests—there are jurists, politicians, philosophers and others.
They will appreciate the merits of their own approach rather
than those of others. The definition of the state, therefore, can
only be framed in the light of the objects and situations one
has in view. If students of political science hanker after a
workable definition, it is advisable to turn to the realistic ap-
proach. The state may then be defined as a comprehensive
organization with specific institutions to regulate some essen-
tial segments of relations among men within its jurisdiction.

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Chapter IV

SOVEREIGNTY

THE exercise of power forms the core of politics, and theories of sovereignty are central to the study of political science, because sovereignty denotes the exercise of the supreme coercive power of the state; this power is final, this power is legal. The state is sovereign because it has the ultimate authority to adjust competing claims as to the distribution of power and responsibility.

Different theories of sovereignty have been advanced in different periods of human history explaining what the state is and seeks to do and what the limits of its authority are. There has been speculation about whether sovereignty belongs to God or man, to the king who is omnipotent or to others including or excluding a king. Unmistakably these theories have sprung from the dominant social and political forces and the cultural background of the time. The aim of these doctrines has not been confined to a mere explanation of the social, political, cultural facts and institutions; it has often extended to their justification. It is not a matter of surprise, therefore, that no theory of sovereignty has been universally accepted.

Ancient Times. The concept of sovereignty goes back to ancient days. The state was admittedly a sovereign entity, both in ancient Greece and ancient India. But in ancient civilizations sovereignty was not usually held to be absolute. The sovereign administered laws, which were not statute laws (with which we are familiar) but custom-based and pervaded by folklore. The Hebrews believed that laws were derived not from the will of the king but from that of God. The Roman jurists again believed that laws were the laws of the community of which the sovereign was merely the agent.

Middle Ages in Europe. The Middle Ages began with a belief in the limited authority of the sovereign; the sovereign was limited by the law of God or the law of nature. The sovereign was not the creator of law. The king again faced

sovereign, drawn by Hobbes and Bodin, appears inaccurate to the democrat.

(ii) Laws in a state are obeyed not simply because they are the commands of a sovereign or only because people are afraid of the punishment for non-compliance. There are also numerous other motives and interests, the sense of equity or decency, all of them impelling men to obey the laws. Hobbes and Bodin did not sufficiently emphasize—although they were not unaware of—the strength of these forces. Even a dictator pretends to implement not his personal will, but the will of the people. Hobbes and Bodin exaggerated the importance of the sovereign's will.

(iii) The despotism of the sovereign, implicit in the doctrine of Bodin and Hobbes, does not appeal to persons steeped in the democratic tradition for they will not allow the sovereign to trespass upon those spheres which, even if not regulated by the sovereign, will not adversely affect the citizen's loyalty to the sovereign.

The doctrine of Bodin and Hobbes rendered a valuable service to the formation of the modern state. It supplied the philosophical justification for the consolidation of royal power amidst the vortex of feudal and religious claims. The modern state was organized as the monarch eliminated the challenge of the Church and the anarchy of a tottering feudal structure. The problem next arose how to make the monarch responsible to the people, how to make exercise of sovereignty conform to the demands of citizens.

John Locke (1632-1704). John Locke was the spokesman of this acutely felt need to reverse the notion of sovereignty. Men set up the state to enjoy natural rights better than was possible in the state of nature. The state can guarantee individual rights more ably than the state of nature. Men need not surrender all their natural rights except the essential minimum to the sovereign. Unlimited sovereignty is ruled out. Society, according to Locke, has the supreme power; it is the ultimate sovereign. The legislature is the source of law and endows society with form and unity; it is the supreme governmental authority or the governmental sovereign. Within the confines of law there is the legal sovereign, say, the king, enjoying supremacy in a strictly formal sense. The legislature,

however, is not an uncontrollable sovereign; it is merely a trustee; its powers may be taken away by society if it does not respect the rights of the people. Locke admits the right of revolution, the right to displace a government that destroys individual rights. Society holds sovereignty in reserve; what is potential becomes actual when a government is overturned. Government is an agent of society; and the agency may lapse. Locke clearly understood and boldly proclaimed that the legitimacy of a government is derived from its service to the people, not from supposed sanctity but from obviously demonstrated utility.

Jean-Jacques Rousseau (1712-1778). Rousseau enunciated the doctrine of popular sovereignty; sovereignty, he says, belongs not to the monarch or the government but to the people in their collective capacity. The people are the sovereign; the will of the sovereign is the General Will; the General Will is always right. Laws are not determined by tyrannical monarchs or lazy aristocrats, they are determined by the nation as a whole. All the citizens will meet together to formulate the laws of the country for each citizen has a share in law-making. Rousseau wants the size of the state to be small, for if the population is smaller, the voice of one individual acquires correspondingly greater weight. Each citizen moulds legislation; hence the laws of the state do not really curtail his freedom and he does not feel he is being dominated by the state. In obeying the state the citizen is obeying himself.

Rousseau's theory of popular sovereignty leads to a series of difficulties. A law is not necessary if it reflects the unanimous agreement of the citizens. In practice, citizens do not have unanimous views and their sovereignty means the sovereignty of the majority. Then, the citizen who is in the minority may feel that there is no justification for his obedience to a law which he does not support. Rousseau tries to find a way out of this difficulty. The citizen belonging to the minority is mistaken, suggests Rousseau. The citizen, however, may reply that it can be expected that he has made no mistake about his own wishes; furthermore, it is not to be expected that he is going to be immediately enlightened by the majority. Rousseau next proposes that in a meeting when the citizen is asked to vote, he will vote for the common good. He will be

separate states. For all practical purposes the controversy lost its importance after the Civil War (1861-1865) which established the supremacy of the Union over the individual states. During the Civil War the United States never acknowledged the legal validity of any act of the Southern Confederacy; the United States asserted all the time that the people of the South could legally pay allegiance only to the Union and not to the Southern Confederacy. The Civil War proved that individual states lacked the power to define their rights or to withdraw from the Union that did not uphold those rights.

While the Civil War settled the controversy about possession of sovereignty by the separate states, the dispute among theoreticians on the divisibility of sovereignty in a federal state continued. Lowell thought the same people could receive commands from two sovereigns in the same territory concerning different matters. Bryce believed that co-ordinate authorities could divide legal sovereignty between them. However, the unity theory of sovereignty, i.e., the view that sovereignty is indivisible, appears to be far more sensible. The same being cannot have two wills while each of the wills is supreme. The sovereign will of the state is similarly indivisible. The same community cannot have two supreme powers, but the supreme power or sovereignty of the state may be delegated to different agents working towards different purposes. The sovereign authority cannot be divided; but its functions may be distributed among different governmental organs; it may find expression through various mouthpieces. No person or organ of government in a federal state exercises sovereign power in its entirety. Portions of the powers of sovereignty are delegated to different sets of agents. But to say that sovereignty is thus divided is to confuse the process by which sovereignty is expressed and sovereignty itself. Sovereignty may be realized in diverse ways by the acts of the legislature, the executive or the judiciary; these acts are all the manifestations of sovereignty. Indivisibility of sovereignty is quite compatible with diffusion of power or the separation of governmental powers which may be a technique for averting tyranny. The supreme law of the United States is the constitution. It regulates the exercise of power as much by the Union authorities as by those of the states. It enshrines the sovereign will. Those who

made the constitution and those who can amend and change it are the sovereign. They are 'We the people of the United States'.

ATTACKS UPON THE THEORY OF STATE SOVEREIGNTY

Criticism by Internationalists. The concept of legal sovereignty of the state today stands indubitably modified by the growth of international law and organization. The changing patterns of international relations have slowly tightened the grip of international law and organization on the state; its supremacy is manifestly modified. The progress of international organization from the Concert of Europe through the Hague conferences, the League of Nations to the United Nations has imposed many limitations on the authority of states. All these limitations may not arise out of precise legal provisions enjoining regularized sanctions; some of them do rest on a mere regard for public opinion; many of them depend on the attitudes of big powers. But there is no doubt that the authority of states, in general, has been modified by a vast body of usually observed rules of international law. Sovereignty knows its limits.

The Nuremberg Trials have palpably illustrated the way state sovereignty is being circumscribed. The Nuremberg tribunal has explicitly ruled that state sovereignty cannot justify the right to wage aggressive wars. It has not accepted the plea of war criminals that their actions are the 'acts of state' and hence not punishable. 'The victorious states of the second world war have thus refused to grant full sovereignty to Germany; full sovereignty would include the right to start aggressive wars. In this way they have acknowledged the breakdown of the notion of full state sovereignty. The right to use violence is no longer an undefined prerogative attached to state sovereignty. The U.N. Charter deprives the members of the U.N. of an unlimited right to use force. Article 2, paragraph 4 of the U.N. Charter lays down that members of the U.N. 'shall refrain from the threat or use of force against the territorial integrity or political independence of any state....'

Internationalists point out that the concept of state sovereignty is obsolete as it is opposed to the unity of the world. Technology has unified the whole world, whereas the concept

of state sovereignty emphasizes the difference between states. With startling improvements in the means of communication the peoples of the world have come very near to one another. But the notion of state sovereignty keeps alive the memory of a basic division among them springing from membership of separate states. It stresses the independence of states which is countered by the ineradicable interdependence of states in the economic sphere. Even the U.S.A. and the U.S.S.R. cannot totally do away with their dependence on foreign economies. This economic interdependence becomes most apparent at the time of a world war when supply lines are cut off.

• **Criticism by Pluralists.** Pluralists are opposed to the monists who advocate the traditional theory of state sovereignty. (Internationalists may or may not be included among pluralists.) The pluralist attack on state sovereignty may be summed up under two heads: (A) some pluralists argue that the state is only one among many associations in society; (B) others argue that law is sovereign and the state is not superior to law.

(A) Society is a network of associations; people organize themselves into associations because they recognize common interests facilitating group action. The satisfaction of these group interests is essential to the well-being of the individual. Society is woven and interwoven by such groups striving to realize diverse objectives, e.g., economic, political, religious; the state has not created them; nor do they continue to function by the grace of the sovereign will of the state. The religious associations, for example, have originated and functioned independently of state sovereignty. Pluralists further affirm that such groups ultimately produce the state which has the foremost function of adjusting the relations of groups to itself and to one another. It has been asserted by Gierke and Maitland that any such association rises naturally within a society and even possesses a real personality; its personality is independent of the consciousness and will of the members of the association. Figgis laments that the activities of the state cross the proper boundaries and often intrude into the spheres of such associations as the Church and trade unions which require and deserve freedom.

Some pluralists have advanced further. The Guild Socialists of England think that modern economic life dictates an enhancement of the authority of functional associations. The government today has undertaken, or tries to undertake, tasks which should better be left to functional associations. Guild Socialists like to confine the state to the role of an umpire among economic associations. Durkheim urges that the state should recognize the authority and capacity of professional associations. They can be effective public institutions for implementing public policies by virtue of special interests and capabilities. The state may frame general legislative policies; but occupational associations should be entrusted with implementing them efficiently.

The state co-exists with an impressive variety of associations, and not simply of individuals. These associations grow and act independently. They carry out many functions for which they are better-equipped than the state. The loyalty of members to these groups may or may not subtract from their loyalty to the state and may or may not come into conflict with claims of allegiance put forward by the state. The creation and continued functioning of these groups make it clear that the pre-eminence attached to the demands of the state is not undiluted; for the state is one among many types of human groupings. Society is a mosaic of competing interest groups who continuously endeavour to realize their objectives. They have to adjust their aspirations to those of the contesting groups and the conflict of interests necessitates the application of restraints without which there would be disorder, injustice and exploitation. The state is to act as the referee; it has to impose restraints conducive to social justice and progress. Almost none of the pluralists, therefore, would preach the abolition of the state for the state represents the general interests of the community. Its special responsibility is to act as an umpire; it is 'the society of societies' or 'the organization of organizations'. It will shape and implement a common policy in cases concerning the people as a whole, and it has to preserve unity among the people. The state thus is endowed with an authority higher than or superior to that of associations; but it cannot claim supremacy or absolute authority. The superior authority of the state is derived from what it

Chapter V

LAW, CONSENT AND COERCION

SOCIAL order is impossible without social control. Analysed broadly, all forms of social control may be reduced to customs, folkways, mores, conventions and codes in institutional terms. There may be non-institutional forms of social control as well. In general, one may study the main forms of social control in four ways: organized social control; social control through cultural usages and symbols; spontaneous individual-initiated control through values and ideas; and spontaneous social control through direct collective experiences. Legal regulation is an important aspect of organized social control. Law refers to the imperative mechanism of social control and co-ordination. In fact, the element of the imperative supported by a coercive sanction seems to lend a special character to the world of law. This is not to imply that the existence of law has always been associated with that of the state. As Malinowski has shown, primitive law referring to land tenure, to property and its protection, to moral conduct, the law of marriage, all these have more than an academic anthropological interest. However, law in primitive communities should be defined by function and not by form. In the more highly developed communities, the rules that are to be enforced are usually differentiated from the mass of other prescriptions and injunctions by a clear mechanism. Generally they are embodied in a special code of law. Here the term 'code' would imply all written law and all custom and precedent, such as would be valid in courts. The arm of the law in a complex modern community obviously derives a major point of support from the state. Perhaps that is the reason why legal systems are so often thought to be necessarily associated with one particular form of the political system, i.e., the state.

A law, according to Roscoe Pound, may be looked at from a number of different standpoints. For instance, from the standpoint of the legislator it may be regarded as a command to do or not to do some particular thing. From the stand-

point of the individual facing a legal system, a law may be regarded as a rule of conduct attended by a threat in case of its violation. From the standpoint of the judge a law is regarded as a rule of decision. Similarly, from the standpoint of a lawyer, a law is a basis for predicting to his client what the courts or the political administration would do, given a certain set of facts. In the contemporary world, relative emphasis on each of these aspects apparently varies in accordance with the preference of the jurists and the systems, but usually in the Anglo-American and Commonwealth countries the jurists seem to regard the third point of view as basic because 'judges and administrative officials feel bound to and normally do follow the precept as a rule of determination, and hence it may be relied on as a rule of conduct and as a basis of prediction'. The fact that a law may be viewed from so many angles does not in any way suggest that the body of law is a collection of different fragments. The body of law, in fact, is a unity, and the different standpoints only indicate the possible convenient points from which persons differently placed in relation to law may view it for their purpose.

The Growth of Law. The history of the different concepts of law indicates the existence of a fairly ancient heritage of legal thought and practice. Thousands of years before Christ, the Sumerian civilization offered the protective authority of law. In the Hebraic and the Sumerian-Babylonian civilizations law assumed a fundamental social and ethical role. In India the code of Manu and in Israel the actual laws set down by Moses have had a substantial influence on the subsequent legal and social systems. The Greek inheritance in respect of law through the roles of Solon and Lycurgus also cannot be overestimated. Plato anticipated Bentham in his faith in the omnipotence of laws made by an omniscient legislator, and Aristotle's work anticipates almost all the major themes and variations of modern Western legal thought. However, it was in ancient Rome that law attained an amazing refinement as a formal and conscious system of social control. From the Twelve Tables to the Justinian Code there runs an impressive story which has gained a permanent place in the history of law. The idea of a law of nature infused a new moral consciousness in the stream of Western legal theory which has

ultimately proved to be a very important, though controversial, concept. The Roman legal inheritance passing from the Holy Roman Empire through the Canon Law to the revived Roman law and its expansion to the whole Continent from the twelfth century onward, ultimately conquered the entire field of Western and most of Central Europe. If one may broadly classify the two leading Western systems of law as *Continental* and *Anglo-American*, the former may be said to follow a system of codifications that has largely been influenced by the reception of Roman law. The French Civil Code was the first systematic framework of codified legal relationship, and in one way or another the Latin countries of Europe and America have followed it. English law has largely developed on a line of its own and it has also formed the basis of the American and the Commonwealth legal evolution. In spite of the differences between English and American law, there is nevertheless a distinctly common thread that unites the Anglo-American system—a link that is founded on the common law of England and a judicial theory based on a precedent system. In the Continental systems, the judicial decisions are not treated as a primary source of law. Another important difference between the Anglo-American and the Continental systems lies in the fact that the latter proceeds from general rules to individual decisions while Anglo-American law centres round a decision on individual problems. Continental systems prefer to establish general legal principles whereas Anglo-American systems tend to build up the principle from case to case. Perhaps these different inclinations may explain to some extent the pre-eminence enjoyed by a mass of legal theories in the Continent and also the lack of it or the largely analytical orientations of Anglo-American legal discussions.

- **The Sources of Law.** The ambiguous designation 'source of law' may legitimately raise many difficult questions. Sources of law are understood to mean roughly, as Alf Ross points out, the aggregate of factors which exercise influence on the judge's formulation of the rule on which he bases his decision. This influence, to add an element of qualification, may vary from those sources which furnish the judge with a ready rule of law, to those sources which offer him nothing more than ideas and inspiration from which he himself has to formulate

the rule he may need. Thus, *legislation* seems to offer a finished product, immediately ready for use by the judge. Not so is the case with *custom* and *precedent*. These two elements deliver mostly semi-finished products which may have to be finished by the judges themselves. Again, in so far as the judge has to use *reason* as a source, he only gets certain raw materials. He has to fashion such raw materials in order to satisfy his particular judicial need.

Considered historically, precedent and reason may be said to have always played a considerable part corresponding to the ideas of formal and material justice. Custom has played a dominant role of source in the primitive legal systems just as legislation is doing in respect of modern law. Broadly, legislation in such cases would include constitutional and ordinary laws. By virtue of the formal competence of these enactments, the judges usually feel themselves to a large extent bound by them in most states—especially in the countries which follow the system of Continental law. Precedents have no formal binding force in the Continental systems. In English law, however, the judges are bound by the rule of precedent. Thus, the doctrine designated *stare decisis* offers a generally recognized procedure, although creative departures, on occasions, from it have not been rare. In American law the problem of precedent, owing to the flood of decisions, leaves a choice to the judge which is comparatively greater than that of his English counterpart. Reason, as a source of law, attains an importance in a situation where the judge is unable to find among the positive sources any rule which can be employed as a basis for his needed decision. While expressing a decision on such a point the judge in some ways happens to create law. The cultural attitude of the judge concerned may make its way into law through these attempts to fill in 'the gap'. Again, through *judicial interpretation*, the judges, especially in the Anglo-American systems may enrich the substance of law. *Equity* as an instrument of preventive justice has also an important role to play in the common law countries. Important *commentaries* on law incorporating accepted judicial wisdom provide an element of help to the judges in augmenting their 'reason'. In some limited spheres rules and orders framed by *administrative agencies* may have the force of law.

An *international treaty* may also add some elements to the national legal storehouse.

We have so far concentrated on the sources of national law. In the field of international law things are obviously far more difficult. The role of legislation is obviously destined to play a little part in directing the courts seeking to apply it in the area of international jurisdiction. The International Court of Justice, in Article 38 of the Statute, directs the following rules to be applied:—

- (a) international conventions, whether general or particular, establishing rules expressly recognized by the contesting states,
- (b) international custom as evidence of a general practice accepted as law,
- (c) the general principles of law recognized by civilized nations,
- (d) subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

Implicitly, therefore, the jurists drafting the Statute have worked on the assumption that the way must be left open for judicial filling in of substantial gaps in settled rules, while at the same time giving some assurance to states that the law imposed by the Court would not be arbitrary. On the whole, the sources of law in both national and international law, offer a complex choice and much depends on the systems and situations in deciding how they are to be utilized in a specific case.

Approaches to Law. The term law has been interpreted in many different ways. Elaborate legal theories have grown round such controversies. Opinions differ about the meaning, scope, function and purpose of law. In the heat of controversy, one is likely to forget the essential conflict of meanings that have been advanced by the different experts. The clash of different schools of thought has confused the issue so much that it is fairly difficult to distinguish the various levels of discussions which have been followed by the various legal theories. Thus, law has been sometimes treated as frozen custom, as the embodiment of justice, as the fact of a class, as

a pure norm, and on other occasions as simply the command of the sovereign authority. Very often what the law is, has been confused with what it should be. Many writers have also failed to draw a distinct line between the form and the substance of law. As a result there has been much confusion and controversy in legal analysis. It would perhaps be interesting to treat some of the contending schools of thought in a brief framework in order to clarify the area of legal theories.

Natural Law. For about 2500 years the idea of natural law has excited the imagination of many legal and political philosophers. In a way the reliance on natural law has mostly meant a search for absolute justice and the failure to achieve this. The standard of positive law has not satisfied many philosophers and in their quest for something higher and nobler the natural law philosophers have speculated on the eternal principles of law which may make of law something more than the handiwork of human beings. Sometimes the source of the transcendent validity of law has been sought in a magical law of God or in the insight of absolute reason. It is, however, evident that a theory of such a metaphysical nature would naturally suffer from various ambiguities. Almost all the philosophers advocating natural law allow nature to speak with so many arbitrary voices that one instantly recognizes the real human voices behind the banner of nature. With changing social and political conditions the notions of natural law have undergone many changes. Only one thing has remained constant and that is the general agreement among these philosophers to appeal to something higher than positive law. This point apart, usually the advocates of the idea of natural law have tended to support wildly contradictory legal and political viewpoints. For instance, in the political field, natural law combined with the theory of social contract has been used to justify the stabilized power and also to overthrow it. Similarly, in the field of international law Grotius and Pufendorf utilized it to support a law of nations, yet it is not rare to see thinkers justifying war and subordination as something ordained by nature. However, it cannot be denied that natural law has rendered a valuable service to the development of law. It has played a substantial role in the transfor-

mation of the old civil law of the Romans into a broad and cosmopolitan legal system. It has been used as a weapon in the struggle against orthodoxy, absolutism, reaction and international anarchy by various philosophers and movements. Democratic governments have adopted many elements from the idea of natural law—this is so especially in the case of the American government. In our day there has been an attempt to ‘revive’ natural law in some quarters. Stammler’s theory of natural law with a variable content and the modern natural law theories of Geny and Del Vecchio are some of the products of the urge to revive the law of nature. They have not been able to clarify the picture substantially, but it is a matter of interest that the reaction against dry positivism has led so many jurists working in the fields of municipal and international law to attempt such a revival.

Historical Theories. Historical jurisprudence originated as a reaction against the rationalism of the eighteenth century with its belief in natural law, and against the spirit of the revolutionaries, which glorified excessively the power of the human will. Frederick von Savigny was its major exponent in Germany and outside. Savigny believed that law is found, not made. The growth of law is primarily an unconscious and organic process. In his scheme the lawyer represents an organ of popular consciousness and the lawyer is a relatively more important law-making agency than the legislator. Savigny draws a parallel between language and law; neither is easily capable of application to other peoples and countries under a dictation. Law, for Savigny, is essentially *Volksrecht* or custom. G. F. Puchta, another famous exponent of this school, similarly described law as the product of the unique genius of a particular people. In England Sir Henry Sumner Maine gave a classic expression of the historical theory of law. He combined the best elements of Montesquieu’s and Savigny’s theories in order to arrive at his version, which is remarkably free from the abstract romanticism of Savigny. According to him, sober research into the primitive history of society and law yields a better result than that of abstract theorizing on law; only historical research can reveal the real nature of law. Maine’s belief in the dominant part played by habit, by instinct, by primitive emotion in the organization

of society, lends a distinctly conservative air to his legal theories. The historical school was born of a merger of history and philosophy and under the strong assault of empiricism when history was separated from philosophy, historical jurisprudence gave way to the analytical school of jurisprudence.

Austin and the Analytical School. Analytical jurisprudence is mainly interested in the logic of law. It is interested in enquiring into the logical inter-relationships of legal propositions. It seems to build up a theory of law that is coherent, consistent and yet has nothing to do with metaphysical speculations. John Austin, the founder of this type of legal analysis defines law as a rule laid down for the guidance of an intelligent being by an intelligent being having power over him. According to Austin 'the science of jurisprudence is concerned with positive laws, or with laws strictly so called, as considered without regard to their goodness or badness'. Every positive law is set by a sovereign authority. The essence of all law is command. It refers to the command of the sovereign addressed to the subject. Such a command is associated with a threat of sanction in the case where the command is disobeyed. From such an assertion it follows that international law is merely positive morality—it cannot claim the status of positive law because of its obvious failure to impose sanctions. Austin's sovereign is not bound by any higher law. Again, it must be assumed, that the sovereign's existence presupposes the habit of obedience from the bulk of a given society. One is free to reject such an assumption but while analysing Austin, this assumption must be considered to be an integral part of his logic. In fact, Austin's basic postulate concentrates first of all on a concept of an independent political society, that is, a body of men who habitually yield obedience to some determinate authority—an authority that has no human superior. It is to be noted here that Austin is interested in dealing with the society which is capable of 'law' and that he is not interested in taking into account the primitive groupings who are not prepared for a legal system in the positivistic sense of the term.' It is also important to remember the things that Austin does *not* say. For example, he does not say that a society must have a sovereign or that a society with an absolute sovereign must be better than others. He only intends to

say that his own system of logical analysis of law presupposes such a society. Thus when Laski or MacIver in their haste to establish their own claims deride Austin by accusing him with all sorts of moral and social charges, the points simply miss the mark because, after all, Austin himself should not be criticized for what the later Austinians claimed in their ambitious enthusiasm. The logical system of Austin mainly represents a quest for a formal theory from which has been subtracted all reference either to actual political and social conditions or to desirable political and social conditions.

Subsequent analytical theories have tried to modify Austinian logic in many ways. Holland, for instance, while accepting the command theory in principle substitutes enforcement for the command of the sovereign. John Chipman Gray while conforming to Austin's main contribution, disagrees with the function attributed by Austin to the sovereign law-giver. For Gray, the law is what the persons acting as judicial organs of the state lay down as rules of conduct. Similarly, for Salmond, the law consists of the rules recognized and acted on by the courts of justice. In these later developments law appears, much more than in Austin, as law in action, and such approaches, together with the distinction between essentials and accidentals in the law, have definitely enriched the field of analytical positivism.

Kelsen and the Pure Science of Law. As we turn our attention from Austin to Kelsen, we find an almost similar spirit, although the legal theory of Kelsen is, in fact, a far more formal and sophisticated exercise in analytical positivism. Hans Kelsen and his Vienna school would insist that only a purely analytical approach to law can be regarded as scientific. For them the science of law is a branch of normative sciences as distinguished from natural sciences. Law, in the normative sense, lays down rules which prescribe right conduct. Such rules do not predicate what actually happens; their existence is not impaired by the fact that they are not sufficiently observed in individual cases. The question why a legal rule is obeyed, is a question which lies outside the domain of legal science. In Kelsen's view the legal duty is the centrally essential element of the legal system. The validity of a legal rule cannot be understood by reference to a fact in the domain

of existence; it can be understood only by reference to what shall be. Ultimately, the binding force of all norms derives from the basic norm of the particular legal system. The basic norm or the fundamental norm itself is neither valid nor invalid; it is a hypothesis the utility of which will depend on the extent the norms of the legal system of the particular society can be derived from it. The crucial question of the derivation of validity of the basic norm has been dismissed by Kelsen as a pre-legal or meta-legal question. The basic norm is not created in a legal procedure by a law-creating organ. It is there, says Kelsen, 'because it is presupposed to be valid; and it is presupposed to be valid because without this presupposition no human act could be interpreted as a legal, especially as a norm creating act.'

Kelsen has contributed an elaborate logical system to the understanding of law and by devising a self-contained and self-sufficient system of legal analysis has dealt a blow to the metaphysical jurists. Unlike Austin, Kelsen's attitude to international law is one of deep sympathy. And perhaps, as Lauterpacht has pointed out, Kelsen's choice of the primacy of international law over municipal law results from a secret resort to natural law. Even if the term natural law seems to be inappropriate to this context, it is difficult to deny that Kelsen's logic reveals many difficulties whenever we want to test it in practice. Evidently, that has been the fate of the most logical systems which demand an excessive rigour and yet such difficulties do not in any way deflate the logical value of the system in question. When Laski criticizes Kelsen by saying that pure theory is an exercise in logic and not in life, he simply fails to take into account the very purpose of Kelsen, and when in the same sentence Laski confesses that pure theory is unanswerable provided we grant its postulates, he is obviously paying Kelsen a tribute that the latter has obviously earned by his logical merit.

Sociological Theories of Law. If a formal design fascinates the analytical positivists, the sociological view of law seeks to focus our attention to the facts of life that are associated with law, its content, enforcement and obedience. The word 'law' is used by the adherents of the sociological view, for social control through the systematic application of the force of politi-

cally organized society. Social anthropologists have attempted to extend the basis of this definition further in order to study legal structures which escape the rigours of this definition. Timasheff's distinction between the sociology of law and sociological jurisprudence need not arrest our understanding, for that would be rather unnecessary hair-splitting of terms at this stage. Taken broadly, we may begin from Montesquieu whose view, that human laws as social phenomena can be understood only by postulating the operation of cause and effect in the social field, may be accepted as the beginning of the sociological study of legal problems. Later the mechanical analogy of Comte, the biological analogy of Spencer, the psychological and sociological influences which penetrate the writings of Gierke, Ward, Pareto, Weber and Durkheim, prepared the ground on which modern sociological approaches to law have mainly relied.

In 1912 Roscoe Pound formulated a series of objectives for the sociological study of law which still remains a valuable guide in this particular field. The central point in this series is occupied by a study of the actual effects of law in action. In the Continent Ehrlich had already initiated such studies with great effect and henceforth the common law countries found this to be a rewarding venture. Secondly, sociological study has been urged as an essential task for the preparation for law-making. Thirdly, the sociological approach directs its attention to the great influence on legal development of the methods of legal reasoning, and, in the way of Benjamin Cardozo to the nature of the judicial process. Fourthly, attention is paid to a sociological legal history of common law. Fifthly, the problem of individualization of justice is discussed with considerable care. A study of individualization implies an assessment of the standards of legal conduct in the context of the special circumstances of each case. These and the other concerns reveal the persistent attempts of the sociologically oriented legal writers to discover the social reality behind legal systems and actions. These writers have disagreed among themselves about the exact way of facing each problem but there remains a common link that binds most of their works to the sociological approach. Sociological jurisprudence has had a substantial importance in the development of recent

legal studies. In general, it has promoted a functional attitude; a consideration of the social context of law; a movement for preventive justice; a study of the limits of effective legal action; an inter-disciplinary co-operation and many other advancements.

Pragmatist and Realist Viewpoints. Pragmatism has stimulated a distinct approach to law, that of looking towards the consequences of law. It demands a more experimental and flexible logic of law—an approach which, according to John Dewey, can turn law into a steady, secure and intelligent instrument of social reform. The pragmatists concentrate on the question of how the rules of law work in concrete situations. Justice Holmes indicated such a view when he declared that ‘the prophecies of what the courts will do in fact and nothing more pretentious are what I mean by the law’. Such movements as pragmatism and *realism* in law seem to stem from a common scientific and functional outlook and at many points it is difficult to set the precise borderline between the sociological, pragmatist and realist schools. Sometimes, as in the specific case of Roscoe Pound, more than one element would appear to reside in the same legal writer.

Legal Idealism. Legal idealism till the nineteenth century was developed significantly in the writings of the political philosophers. However, *modern legal idealism* has been formulated by many jurists themselves. Kantorowicz, a representative exponent of such a view, defines law as a body of social rules prescribing external conduct and considered justiciable. He rejects the realist viewpoint because he feels that the realists confuse explanation with justification. Legal rules, he maintains, are expressions of the relations that ought to exist between some human conduct and some of the possible properties of this conduct. These duties are dependent on other duties. The question of validity is related to the question of absolute rule which must be accepted by an act of faith. Apparently such a view comes close to Kelsen’s theory of the basic norm but then the element of social concern and faith lends a distinctive colour to the new form of legal idealism developed by so many important modern thinkers.

Marxian Theories of Law. As we move to the Marxian theory of law we find a set of assertions that are based on the

concepts of class conflict and socialism. In the Marxian system the legal norms are derived from the relevant modes of production. Law, according to this view, is the expression of class relations and impartial justice can never be expected until and unless there is a fundamental reorganization of class relations in accordance with a socialist system. Karl Renner, an Austrian socialist, developing a socialist theory of law pointed out that society produces certain ways of life in a process of permanent change and evolution. Legal science, according to Renner, has to cover three stages: first, the formation of law; secondly, its formulation as a norm: and finally, the social function exercised by the norm. Developing mainly the last point, Renner, by an extensive analysis, attempts to show how law ultimately acts as a subtle instrument of expropriation by the capitalists. However, Renner deviates considerably from basic Marxist logic and urges the socialists to abandon their passive attitude towards law. Concentrating on the orthodox Marxian view, Vyshinsky has developed the Soviet theory of law which believes that law is basically an instrument manipulated by the ruling class for their own advantage. For the Soviet state law must serve the interests of the dictatorship of the proletariat. However, the legal system of the U.S.S.R. has not hesitated to borrow many elements from the capitalist systems. Thus, the institution of contract has been taken over from capitalistic systems and preserved, but for different purposes. It may be pointed out that contemporary Soviet theories of law suffer from a dilemma: they can criticize the Western systems in a facile way by indicating the class basis underlying them, but when it comes to explain the law of the communist states, this analysis wavers between the reason of the state and the reason of the community. Marxian theories of law are, therefore, more facile in their attacks and less articulate in analysing constructive frameworks for socialist laws.

The Law, the State and the Community. Once we are acquainted with the different meanings assigned to the term 'law' by the contending schools of legal and political thought, it becomes somewhat easier to discuss the question of the relationship that exists between law, the state and the community. Austin and his successors have no doubt that law is the product of the state. In Kelsen, the legal order obviously

merges into the state—beyond the basic norm which is reflected in the constitutional order of the state, the jurist would have no legal right to enquire. The whole analytical attitude is one whereby the state always has the upper hand over the legal norms. The element of authoritative hierarchy implied in the positivist concept of law precludes the possibility of any rivalry with the state in so far as legal norms are derived from the state. All this is neat logic and one has the right to be attracted or repelled by Austin or Kelsen and free to devise an alternative scheme of law in case repulsion adds a creative effect. But then straightforward argument and clear understanding have always proved to be rare blessings in the area of political controversy, and it is a matter of wonder that the dry, cold formalism of Austin and Kelsen has generated so much emotional heat in the political world of our time.

Political pluralists and their fellow-travellers made it almost a fashion some decades ago to attack Austin and Kelsen, more so the former. In doing so they credited Austin with statements which he never made and then sought to demolish these statements with great energy. In some cases these critics came to the scene already armed with their own assumptions and they often decried positivism because it refused to accept these assumptions. After an ingenious sociological analysis, MacIver, for example, advances the ambitious assertion that the state is both the child and the parent of law. By a curious combination of social analysis and ethical presuppositions Ernest Barker also conforms to this assertion. MacIver insists that there are two distinct forms of law corresponding to his asserted relationships—constitutional law and ordinary law. Barker adopts a slightly different name for these two—primary law and secondary law. In Britain, MacIver admits, both forms appear to proceed from the same source. However, in most countries these two have a different character and sanction. The sanction behind the ordinary law is definite; the state can compel, if need be, by force, the citizens to obey it. So far Austin need not worry much. But what happens when the question of sanction behind the constitutional law—the law which creates the state, its legal parent—is raised? MacIver notes that Dicey does not succeed in giving an adequate answer. He also notes that the traditional answers only

confuse this issue. The distinction drawn by Duguit between the state and government fails to supply the required answers. MacIver has a 'realistic' suggestion: we should admit that the state is an association, with consequent liabilities and responsibilities. The affirmation of these liabilities can be secured only if rights are admitted against the state itself. Such rights would not be meaningless because, after all, like the government, the state itself is dependent upon the will of the community. So here is postulated another authority that is higher than the state in order that higher law may be derived from it. And once MacIver succeeds in proving the existence of this higher law, it becomes easier for him to maintain that constitutional law, together with international law, limits the sovereignty of the state. This is in a way rather arbitrary. Such a postulated hierarchy is hardly a logical improvement upon Austin because both these thinkers are offering us their concepts of normative hierarchies together with equally vulnerable assumptions and debatable terminology.

The relationships between the state, the law and the community have been further complicated by Ernest Barker's suggested alternative to the positivist interpretation. Barker, unlike MacIver, begins with an *à priori* ethical commitment. According to him the state is the 'child' of law 'in so far as it is begotten by an idea of justice; is brought to birth by the primary law which constitutes it as a legal association and gives it a constitution; and is henceforth found by its nature to act in accordance with that primary law'. That the state is begotten by an idea, and what is more, by an idea of justice, and that the state should be accepted as a legal association only—all these are generalizations which may be comforting to Barker but not necessarily convincing to the students of law. Heavily tinged with such ethical bias and arbitrary assumptions, Barker offers little logical trouble to legal positivism though his moral exhortations, like MacIver's analytical fascinations, may have many things to commend them to those political observers who are in specific need of moral and social re-armament.

If one person defines the state as being the basic source of laws, and identifies the legal with the political order, and another, by elaborate social or ethical classification, makes the

community the source of the state and law the product of the state, both are arguing with equal logical validity. As long as the moral or the sociological propositions remain subjectively assured and objectively unverifiable, it is no use accusing the positivists of gross failure. The moral or the sociological commitment of any critic of positivism does not reward him with any logical scoring-point against the rigorous schemes of Austin and even less so against Kelsen—the latter could be accused less of the emotional lapses which sometimes add a minor defect to Austin's schemes. The state itself is a conceptualized abstraction and whether it should be granted the status of parentage or childhood to law depends on how one builds up one's own construction. The same is true about abstract concepts like the community and society. A greater caution about the logic and language in this particular controversy would have caused less emotional entanglement in this area of political enquiry.

Law, Ethics and Justice. The operation of the law as a body of authoritative imperatives is likely to bring it into conflict with another set of human values, those of morality. If the task of ethics can be interpreted as one distinguishing right from wrong, it is perhaps inevitable that the morally engaged observers would try to assess the value of the law in ethical terms. At the outset, it is then desirable to draw a line between the sphere of ethics and that of law. An ethical rule is based on a moral foundation whereas the substance of a rule of law may or may not pertain to good as distinguished from evil conduct. Some laws are evidently based on expediency as, for instance, the traffic rules for using the streets. MacIver's distinction between the law and the ethical rules is important. Political law is objective and indisputably fixed while the ethical rule is subjective, an inner obligation that expresses the social character of individuals. Secondly, law makes rules of conduct for the general convenience which are not themselves based on ethical distinctions at all. Thirdly, there are many ethical principles of which no external law can assure the fulfilment. Fourthly, the sanction behind morality is conditional but the laws enjoy unconditional and coercive sanction. Finally, as Ross has observed, there is no law-giver, either in the province of morality or of convention, and likewise there

is no judge. It is possible to refer to 'the law' but apart from some ambitious metaphysicians none would claim to recognize anything as 'the morality'. All these points would indicate the fact that law and morality have two different provinces although it is possible that one may affect or be affected by the other.

Law and Justice. Granting the view that all legal problems are problems of distinction, the postulate of justice amounts to a demand for equality in the allocation of advantages or burdens. But the almost instinctive sense of realizing the content of justice seems to be extremely deceptive. The philosophers of natural law accorded a central position to justice. Many sociologically and ethically oriented authors have demanded that law must conform to the principles of justice. But when it comes to defining justice, each political philosopher wonders what the other really means by this apparently simple term. From Plato to the modern day the objective content of justice has remained elusive and yet it is amazing to note how almost all the political philosophers constantly harp on this unclear note. Everyone according to his rank, everyone according to his station, everyone according to his merit, everyone according to his performance, everyone according to his ability and everyone according to his need—all claims of justice can be interpreted in thousands of ways. If law should try to incorporate justice, which one or which set should be its choice? Answers have varied widely and the disgust of the analytical jurists at such performances may be better understood in this context.

Value and Validity of Law. Some political philosophers, notably Laski in our time, have argued that the respect the legal rules win is 'measured by the justice it embodies, and its power to embody ideals of justice depends upon its conscious effort to respond in an equal way to the widest demands it encounters'. Clearly this is a way of saying that justice can be equated with a particular way of socialism that Laski himself likes and that law should be respected only when it can incorporate such an ideal. Laski also suggests that a law, to the extent it fails to incorporate justice, is no law at all. From this argument, to an advocacy of contingent anarchy is only a short step—a step that Laski has not hesitated to take very

often. MacIver reveals a greater clarity on this point. He argues that law must be distinguished and defined by its form, not by its content. The introduction of ethical concepts would only invite confusion. A law is still law whether we deem it just or unjust. Apparently perturbed by such an insistence on the formal validation of law, the ethical conscience of Ernest Barker has sought to reconcile the demands of logic with those of morality. Thus, he says that authority gives validity to law, and justice gives it value. According to him, a law has validity and one is obliged to obey it, if it is declared and enacted by a legitimate authority. However, a law would have value and one would be morally impelled to obey it if it incorporated the 'inherent quality of justice'. Ideally, law ought to have both formal validation and ethical value, and—Barker adds another qualifying clause in order to make his idealism look more realistic—though law as a whole, and in its general nature, has both validity and value, any particular law may have only validity. The idealist presupposition inherent in this assertion states merely his personal preference. The way he relates value with validity through the bridge of time and ideal expectation is not likely to excite the imagination of those who expect substantive clarity in legal analysis and not just a play of terminology.

Analysis and Ideology. The ideology of justice, according to Ross, has no place in a reasonable discussion of the value of laws. Justice has little to guide the legislator. It is not possible 'to derive from the formal idea of equality any sort of demand with regard to the content of the rule or the order'. There is no magic by which one's personal demand may become an absolute postulate. Usually ideological considerations prompt one to reject a law and such rejections do not make the law inherently 'unjust'. It is not possible to advance all sorts of material postulates in the name of justice. A logical analysis of law is naturally incapable of being receptive to such ideological elements. Perhaps Max Weber had a better understanding of law than many contemporary critics of legal analysis. While he tells us the relation of historical phenomena to values is of great importance for civilization, he is cautious enough to hold this to be beyond the sphere of a science. According to him, universally valid scien-

tific analysis must be kept separate from judgments of values. When Weber discusses the basis for the legal order he discovers it in the responsibility cast upon every individual by the interference by each in the pursuit of his own values with the pursuit of their values by others. It is here that the theory of interest appears on the scene, and as Roscoe Pound has observed, it connects with the juristic problem of adjusting relations and ordering conduct by the force of a politically organized society so as to give effect to the greatest number of human values with the least friction and waste. The question of value may be discussed in relation to the legal order, but in doing so we should be careful to distinguish the ethical from the scientific need of our study. The consideration of each should not be an occasion for a confusion of both.

Classification of Laws. The laws operative in human society are usually classified into municipal or *national law* and *international law*.* The authority and the sanction behind national law are clear. On the question of international law, however, there persists a confusing uncertainty. The basic norm of state law is represented by the *fundamental law* which in most states authorizes the central law-making legislature to formulate *ordinary laws*. This is especially true of those democratic societies having respect for the supremacy of the constitution. Thus, a great deal of ordinary law consists of the enactments of the legislative bodies. The executive, administrative and judicial agencies also perform a subordinate law-making function. Sometimes authority is delegated to subordinate bodies for law-making purposes. Many rules of law are created by the courts in the process of deciding cases. An interesting example of judge-made law is the common law of England and of the states of the American Union.

One of the important ways of classifying the state laws is to draw a distinction between private and public law. *Private law* is that part of the state law which defines the mutual rights and duties of private persons. It seeks to control the relationships between and among individuals. The focus here is on the private persons with their rights and duties as prescribed by law. *Public law* refers to the laws that establish rights and duties to which the state happens to be one of the

* For a fuller discussion of international law, see Ch. 22.

parties. It embraces such aspects as the organization of government, the powers and duties of public officials, the procedure to guide the governmental agencies and the rights of the politically organized community. Usually, public law is subdivided into constitutional law, administrative law and criminal law. *Constitutional law* creates the primary instrument through which the actions of the states are taken. It represents a factor in the political equation which has an obviously greater element of constancy. Broadly, *administrative law* refers to that body of law which regulates, in the first place, the relations among public officials, and, in the second place, between governmental agencies and private individuals—in connection with matters relating to public administration. It lays down rules of behaviour for the administrative officers. It also provides remedies which individuals may invoke in the event of illegal conduct on the part of the administrative officials. In France and in many other continental countries a distinctive body of administrative law called *droit administratif* has grown which refers to law administered by special administrative courts having jurisdiction over controversies in which executive or administrative action is brought into question. This system is quite different from the Anglo-American system. In common law countries administrative law deals, as Félix Frankfurter has pointed out, with the field of legal control exercised by law and administrative agencies other than courts and the field of control exercised by courts over such agencies. The question of *criminal law* is included in the public law category because an act of crime violates the peace of the community. Crimes are offences against the public authorities. In criminal cases the role of the accuser is performed by the state and a public official argues the case on behalf of the state against the accused.

Legal Systems and Social Objectives. The basic political problem of the legal systems is posed by the operational efficiency of law to promote the asserted social objectives of particular societies. Here is a question which is more political than legal, for we are obviously thinking in terms of utilizing the instruments of law in order to achieve socially desirable objectives. For this reason the answer to this question cannot be found in rigorous positive enunciations and we have to

turn to the political philosophers and analysts for a possible solution.

Contemporary social systems are in a flux. They manifest a critical situation of insecurity. Reliance upon competition as a means of industrial co-ordination, suggests Karl Mannheim, severed for most individuals important social bonds. For a while the expanding opportunities provided a sort of compensation for the decline of the old anchorage. In the modern period these opportunities have proved to be inadequate. The social sense of security is fast vanishing. The cumulative effect of the psychological and social consequences of the ill-adjusted liberal order has led to widespread frustration, anomie, disintegration and extreme political affiliations. Amidst such changing factors and situations the functions of law cannot conform to the cold schemes of legal reasoning, which abstracts law from its social setting—at least this has been the expressed fear of the sociological writers on law. Legal structures in the last analysis are supported by the socio-ethical convictions of the social groups and in the case of critical changes of circumstance and demands, such supports may be withdrawn—as they are indeed withdrawn during popular revolutions. It is significant that, in practice, even the liberal legal systems have already taken into account the increasing need for social regulation through authoritative channels.

As a result of such recent changes the legal systems in the democratic countries have shown a remarkable capacity for transforming the law from a minimal framework for the purpose of control, to a method of adjusting the concrete conflicts of interests actually operative. Dicey detected a collectivist urge in such a reorientation while Roscoe Pound described it as the socialization of law. This change was not restricted to common law countries. Thus, the studies made by Leon Duguit revealed the transformation which had taken place in French public and private law by the beginning of the twentieth century. The extension of law to fields urgently demanding social control perhaps requires an advance agreement in theory about its desirability. According to Roscoe Pound, however, in such a critical case law need not wait upon theoretical controversy. The lack of advance agreement on the ends in such cases can be made good by treating the pro-

blems in the actual field as tasks of social engineering. Mannheim goes further and allows law to be the central instrument of the community for a planned society. In the realm of practice, he assures us, the task of reconciliation of goals would become easier. Laski's advocacy of a continuous socialization of law through a federalized authority whereby 'law emerges as the evaluation of the interests by interweaving of interests,' may indicate a possibility of recording agreement and consensus before the social objectives are translated into action.

It is true that such answers, though reassuring for many, would not satisfy those who have either individualistic or conservative assumptions. Thus, Hayek discovers that planning is inconsistent with the rule of law. According to him planning implies a method of official action which makes it impossible for the citizen to foresee what may happen to him. Such an absence of predictability means a denial of the rule of law which for him, implies that government in all its actions is bound by rules fixed and announced beforehand. Hayek's assertion is questionable on many accounts but it should not be neglected. G. W. Keeton also feels that the socialized function of law in contemporary Britain has pushed the country to the edge of dictatorship. Perhaps these thinkers have not adequately weighed the alternatives, and they seem to have placed a greater value on individual liberty than on the reasons for the development of the community as a whole.

Postulating a general agreement with the basic social values of a democratic system, we can probably assert that necessary social planning, if combined with the democratic freedoms—and they can surely be combined—does require a readjustment between private rights and public means, within the framework of the legal system. The functions of law in a democratic community may be reconciled with the demands of social development without impairing the fundamental core of what is known as the rule of law. The legal systems represent ethically neutral instruments which can be adequately utilized by the community without destroying the essence of legality. The logic of law is not inherently an enemy of social transformation. However, the enthusiasm for social engineering or transformation should pay a proper regard to the logic

cracy in the sphere of industrial management. Freedom, for Laski, is then a function of property. Laski explicitly rejects the orthodox communist plea for equality of income for all and even his 'civic minimum' will clearly involve differences built upon the costs that occupation involves. His advocacy of equality is more dramatic when he talks on the level of abstraction but once he comes down to discuss the concrete elements of his programme he sounds quite modest. However, he invites confusion by his constant use of the term 'economic equality' when he in effect means equality of opportunity and a minimum income to provide for each citizen's basic needs. His expressed principle that, above the basic minimum, each worker should be paid in proportion to his output is obviously not equalitarian, as the results of the piece-work and Stakhanovite systems seem to point out. He appears to be confident that inequality is the inherent feature of capitalism and that it would never emerge under socialism. He was also sure that because of these two, freedom would be meaningless under capitalism whereas it would flourish under socialism—both these assumptions were, however, falsified during his own time.* His assertion that in an unequal society it is necessary to repress the expression of individuality, has not been substantiated by the modern world for greater freedom exists precisely in those countries where socialism is either absent or compromised. In his later works he tended to identify Soviet communism with equality and that created a greater dilemma in his grammar of concepts.

Arbitrary use of words, individual emotional engagements and other related difficulties have drawn a curtain of cloud around the relation between liberty and equality. If we choose to limit our range of enquiry to modest definitions, there seems to be no reason why we should not be able to say that freedom can co-exist both with capitalism and socialism provided a minimum range of choices are left open to the units in the political system. Freedom can never be assessed in absolute terms and historically free economic systems have indeed provided a large measure of freedom. That socialism is not an inherent friend of freedom can be easily realized by the suppression of most self-directed activities in the communist states. On the other hand, socialism, if built on a democratic base, may very well

supply us with a wide range of meaningful choices which would reveal the compatibility of freedom with egalitarian experiments. It should also be noted that if freedom is subordinated to the myth of equality, the administrators of a particular kind of so-called equality may suppress freedom. Not all the socialistically oriented writers are oblivious to this question, for as Tawney points out, the creative energy of human beings, in all the wealth of their infinite diversities, is the end to which external arrangements, whether political or economic, are merely means. Hence institutions which guarantee to men the opportunity of becoming the best of which they are capable are the supreme political good, and liberty is rightly preferred to equality, when the two are in conflict. In the hierarchy of preferences, freedom may claim the upper hand for the obvious reason that in a free arrangement equalitarian evolution is possible but in a system of one type of equality if freedom is sacrificed, the administrators of equality may withdraw equality and yet there will be no challenge to this act of betrayal. When the critics' voices are made to withdraw in a created chamber of silence there remains no assertion, only agony. Normally, of course, there is hardly any need to argue in terms of tension between liberty and equality. These two dimensions of social choice may safely be treated as complementary aspects of human life. Particularly in a democratic order, each may be required to augment the other, though there is no logical necessity of either one acting as the foundation of the other.

The Disciplines of Freedom. Freedom is socially conditioned as well as personally cultivated. What then are the ways of enriching the enjoyment of freedom? In any particular context of freedom, not all the persons enjoy the same amount of freedom. For one person obviously has the knowledge of the subtle ways through which he can enrich his content of freedom while another may lack it. Similarly, one free society has access to greater freedom while, in spite of the open arrangements, another may not go that far. Why should such discrepancies and differential enjoyments of freedom occur? The answer evidently lies in the differential capacity of the various individuals and societies to enjoy freedom. 'The art of enjoying freedom does not descend from heaven suddenly as

soon as a society adopts a free political system. It requires a meticulous personal preparation, and social encouragement. Once we grant this requirement we can divide the problem into two and at first concentrate on the personal aspect of cultivating freedom. The first essential requirement is the element of conviction—it refers to one of those choices of man which may not be logically established and while human cognition yet knows them to be necessary. A robust grasp of the value of a free life with its creative concomitants makes a man feel that freedom is an indispensable asset and never a burden. An escape from freedom becomes easy when the foundation of this commitment to freedom gets shaken. The second necessity is the readiness to learn the rules of the free life. Human life provides many encounters with reality—some of them coloured by drama—and each experience should make a man aware of the worth of the rules of freedom. The role of learning in the process of the growth of a personality and his interaction with the social media has an immense significance and to the extent a man utilizes this learning to enhance the content of freedom, he is likely to enjoy freedom more than others. Thirdly, a man has to work in order to be free. A person need not dramatically surrender his freedom in order to escape from it—by sheer laziness he may make his freedom meaningless. It is effort which contributes much to the freedom that one may enjoy, and the free man has no reason to relax in his effort of improving the content of freedom. Fourthly, a sense of purpose must animate the activities of the free man. A person without a purpose merely drifts aimlessly; an activating purpose gives him the required anchorage.

The social disciplines of freedom are no less important. Liberty demands an appropriate context and a social capacity to bear its resultant tensions. As in the personal sphere, society also must produce a libertarian conviction and generate those situations and arrangements which would sustain it. There should be widespread goodwill and tolerance inside the community. Education should reach the roots of the society and informed discussion should penetrate its depths. Representative institutions and a will to sustain the rules of constitutionalism also appear to be essential requirements which would provide the necessary climate for the enjoyment of freedom.

Leaving aside the ambiguities of the concept of economic equality, there still remains the question of establishing the condition of economic security without which freedom would never be meaningful for the poorer people. A common code of conduct among the political parties and pressure-groups should be evolved so that political strife does not contribute to the elements of corruption which ultimately tend to dissolve all norms and rational approaches to authority in the powerful solvent of unreason and disorder. These social and institutional conditions together with their personal counterparts merely provide the idealized outlines of the disciplines of freedom. The exact pattern of discipline necessary for it cannot, of course, be worked out *à priori* in all its details. For such a scheme would also be dependent on the exact situation of the particular free society in consideration.

Freedom and Human Rights. In any open society every citizen is likely to enjoy certain rights. He may use such rights to pursue his self-directed activities. While considering the problem of rights we must remember that what in a given society the pattern of rights is and what it ought to be are two separate questions. It is here that the question of moral rights and legal rights has to be faced with a sense of clarity. When Laski defines rights as 'those conditions of social life without which no man can seek, in general, to be himself at his best', he, in fact, lets a number of kittens out of his bag and the trouble is that he never tries to collect them back. He never defines the traits of the best personality and the conditions which he enumerates to be essential for personal development are merely statements of his private political preference. Rights, according to Laski, are prior to the state, but they are not independent of society. 'My claim comes from the fact that I share with others in the pursuit of a common end.' But what happens when some people refuse to follow a common end or when common men proceed to tyrannize an uncommon man? Should the common men triumph in such a case? The rushing rhetoric of Laski hardly cares to pause for an answer.

Any speculative concept of rights would tend to confuse the problem of rights. The historically important concept of natural rights by postulating the view that each man has certain

inalienable rights, which must be respected by all men and institutions, gave rise to many difficulties. Here, apparently, is a theory of rights which may lend a clear support to individualism. However, even in Locke, the theory of natural rights indicated a possibility of being endowed with a social meaning. A similar ground of confusion has been laid by the idealist philosophers from Hegel to Bosanquet. The moral interpretation of rights advanced by the idealists has, in general, tended to glorify the state as opposed to the individual and they have often identified the state with freedom. A mellowed version of idealism offered by T. H. Green only reflects the dilemma that is inherent in such theorizing efforts. At the opposite extreme, Austin has argued that rights are what the state offers which is a way of emasculating the whole idea of rights as a separate category of political importance. Consciousness of this dilemma has probably led Barker to suggest a blending of the ethical and the legal aspects into a single theoretical assertion. He says that the sum of an individual's rights is the whole of his capacity within the state and under its laws. This statement desperately attempts to integrate the ethical level with the legal framework but it lacks that articulateness which makes a concept workable.

To obtain a workable concept we may postulate a right as a power which an individual may seek to possess whether because its exercise by him is itself desired or else because it is a means to what is desired, and in the exercise of which the political system ought to protect him. It should be noted that rights are always held in relation to rational beings in the social system since these beings alone are capable of the corresponding obligations. And a man can only have the right to do what it is possible for him to do provided other men actively help him or else do not prevent him from doing it. In modern states, rights are protected by constitutional or institutional arrangements. Those rights which confer on the adult citizen the right to the franchise, qualify him to hold public office, and entitle him to participate in political life, are known as political rights. On the other hand, the civil rights protect the individual against political interference in the private sphere of life. The freedoms of speech, press, association and assembly—the important civil rights—are, of course, related intimately

to the body of political rights in the sense that each requires the support of the other. Civil rights are of two kinds. The essential freedoms that men want for their own sake are known as the substantive civil rights while the means established for making them effective are represented by the procedural civil rights. For example, the right to personal freedom belongs to the first category and the means of safeguarding it, that is to say, the procedure of a fair and speedy trial and the right of an accused person to have the assistance of a defence, would come under the procedural provisions. Civil rights in Britain and in the U.S.A. and India provide important examples of the respect that the democratic governments pay to such rights. To this may be added the social and economic rights which are getting increasing recognition in modern political communities. In general, they refer to the fundamental rights to education, the right to social security and equality, the right to work, etc. In a liberal society the lines of categorization may not be emphasized very much in regard to these questions, but in a socialistically oriented society, the accents may be precisely on these aspects of rights. And if following Laski one judges a political system by the degree it satisfies the effective demands of the people, it would be obvious that with a greater accent on all such rights having a special emphasis on their social and economic counterparts the state proceeds to fulfil its purpose. The question of the state's purpose, however, may not be an easy one and in a less exciting way it is better to understand the fact that the open political systems everywhere have chosen to enshrine the basic rights in the fundamental law of the land or in its other arrangements—a fact that unmistakably indicates the importance of the rights in the context of human freedom.

A declaration of human rights is a part of the make-up of the United Nations which, as Quincy Wright observes, is committed to the promotion of respect for human rights as a purpose second only to that of maintaining peace. The idea of the intervention of a supernational authority to maintain human rights is definitely a significant innovation that the U.N. era has introduced. The first article of the Universal Declaration of Human Rights asserts that all human beings are born free and equal in dignity and rights. Civil, economic

Chapter VII

OBLIGATION, RESISTANCE AND REVOLUTION

THE extent a political system is likely to endure, is governed in a large measure by the degree its individual units are prepared to lend support to it. In the case of an authoritarian system such support may mean an artificial amalgam of coercive dictation and manipulated consent. The problem assumes a new proportion when one considers the case of a democratic system. Here the question mostly hinges on the problem of the extent the fact that the rulers are chosen by the ruled to exercise authority over them increases the latter's obligation to obey them. The term 'obligation', it may be noted, may be used in two different senses. To be obliged may mean in politics something akin to compulsive conformity or it may mean, in the second sense, that being free is a necessary condition of having an obligation. In the latter case compulsion does not overwhelm consent and obligation does not follow the dictates of constraint. It is also important to draw a distinction between legal obligation and moral obligation. Authoritarian systems depend mostly on the former while the democratic systems prefer to combine the two in a system of patterned harmony.

Membership of a democratic system involves the delegation of authority. The other side of delegation is represented by obedience. Both are limited by means of their terms of reference—be it legal or ethical. A denial of the limitation of the scope of authority leads to absolutism or totalitarianism. In a democratic set-up such possibilities are rare, unless, of course, the majority chooses to tyrannize in such a way that democracy itself gets transformed into a totalitarian form. In many ways the idea of liberal democracy is generally associated with the concept of limited authority. The pattern of obligations appropriate to it, accordingly emerges with a characteristic feature of its own. It has its own advantages and also its own share of political and ethical difficulties. No act of genius can pretend to solve such problems overnight.

In fact, the dynamics of democratic government reveals such a political complexity that it may be unsafe to generalize dogmatically about the problems of obligation in a consent-governed political system.

Consent and Obligation. As we proceed to analyse the problems of political obligation, it seems apparent that, in this particular field, political theorists have often suffered from an ambivalence in regard to the nature of this enquiry. In most theories of political obligation the ethical note is made explicit whereas in others it remains implicit behind a linguistic screen. The idealist political philosophers paid an elaborate attention to the problem of political obligation. They did not hide their ethical case and metaphysical presuppositions. Perhaps the same cannot be said of the recent thinkers, who, in their attempt to demolish the idealist structures have adopted a political rhetoric which prefers to hide the presuppositions—Laski would be a good example of such efforts. Against this background, small wonder that attempts to push the claims of duty and obligation have been greeted with an air of suspicion and hostility by the scientifically oriented political analysts. At this stage we may note that at the base of political life there is perhaps an inescapable tension between interest and duty—between the inclinations of the private life and the obligations of the public role. In that way the conflict between interest and obligation may not be conjured away and political life may always be haunted by a sense of moral dilemma. However, for our purpose, it may be agreed that a theory of political obligation, normative though it be, is a response to the demands of the life of action. It never seems to stray away from the quandaries of decision. For some purposes we may assume that concern for the normative has a distinctly necessary role to play. The field of analysing political obligation may provide such a case.

✓ Locke's theory of political obligation has been supposed to be a very important statement of the problem in the context of a democratic system. It begins with the principle that a man need only obey a government to whose authority he has given a personal consent. The anarchical edge of this statement was blunted by a qualification that Locke added: after originally consenting to become a citizen a man is bound by

the decision of the majority. The consent given may be either explicit or tacit. Locke does not appear to detect a difference between individual consent and the vague consent of 'the people' or of the majority. Judged in the context of his own time we may accept the fact, in spite of its obvious loose texture, that Locke's theory prepares the ground for a more rational theory of democratic obligation. After Locke, by a curious mixture of different elements drawn from Plato, Aristotle and Rousseau, the idealist political philosophers made elaborate attempts to justify the obligation to obey by positing the inherent superiority of the state in moral terms. Even Green's attempt to liberalize such formulations did not clarify the issues very much. His constant invoking of the common will and reason of men as determined by social relations and as acting together for common ends was historically suggestive but analytically it was of little clarifying content.

In traditional discourses the problem of obedience has, on many occasions, failed to attain clarity because, for some reasons, two separate questions were not always clearly distinguished: the factors that in reality urge men to obey the authority of the state and the extent a man should obey the authority of the state. One is obviously a question of fact and the other of ethics. It may be desirable to relate these two levels of enquiry, but a failure to adequately distinguish between them inevitably leads to confusion. Even in recent political theories on obligation and obedience these elements of caution are very often ignored. Laski, for instance, while treating the problem of obedience with great concern, asserts that the only ground upon which the individual can give or be asked his support from the state is from the conviction that what it is aiming at is, in each particular action, good. The individual is asked to judge every act of the state in terms of his own ethical purposes and standards. Not that Laski is consistent in adhering to such an individualistically oriented position throughout his own life—in his later works, under the spell of revolutionary socialism, he adopted a very different standard. In these works he grants the planner-state working for socialism an inherent superiority over the individuals. This shift, in effect, reflects the dilemma of an approach to obedience and obligation which relies merely on philosophical

speculations or on practical programmes of reform.

On sober reflection, it would appear that the obligation to obey a political authority is partly a product of the habit of being law-abiding and partly a product of rational evaluation. Most men obey because they develop the habit of obeying the authority. This habit is socially conditioned. Identification with the purpose of the authority is a natural outcome of social living, though at critical moments the power of natural loyalty may not be very effective. During a normal political situation, the impulse to obey emerges from the social nature of human beings. MacIver singles out some specific considerations that induce men to observe the law, apart from their respect for authority, their sense of duty, and their fear of legal sanctions and cites an impressive list of factors. These are, the desire to stand well with one's fellow-men and not to incur the social contempt that is bestowed on a law-breaker. For specific individual cases there may be particular interests that induce in them the urge to obey. These may include convenience of social life, the avoidance of personal molestation or even sheer inertia. A complex web of factors and motivations keeps a man obliged to obey. This is especially so in a democracy where the governmental system incorporates the consent of the people. In a democracy, to be sure, there cannot be a complete consensus behind every act of the government. But the very fact of the acceptance of a viable democratic order presupposes that basic consensus which is usually enough to keep a system functioning. In a democracy, consent does not require that the government which acts in the name of the state be the government of one's own personal choice. As David Spitz points out, it implies only that the citizen is prepared to recognize as legitimate that government which emerges out of the accepted electoral processes to power. Otherwise, the fact that an individual may have cast his vote for the defeated political party would relieve him of all obligation to obey the laws. It is obvious that no political system can survive with such a wide choice about obligation. The individual citizen is not supposed to give his specific approval to every legal formulation of the state. What is required is a general consensus behind a constitutional democratic order—a factor that is expected to be based on the voluntary support

of the individuals. From this general will to maintain the democratic system, a necessary pattern of obligations would automatically seem to follow.

So far we have argued that the obligation to obey is derived from the need of individuals working through a political system. If, as in democracy, the people have developed a body of consent to support a system, there may arise many points where the political duty of the people flowing from the need to obey law may come into conflict with a moral attitude that is reluctant to conform to the legal logic. The extreme legalist would say that in such a case law must triumph. On the other hand, the extreme rebel will cry that law is secondary, the moral choice is primary. Conformism, carried to excess, would lead to stagnation. And the rebel spirit, when pushed too far, would undermine the very fabric of the social order. The usual position of caution advocated by a sensible democrat has been made explicit by MacIver: obedience is obligatory except when in the considered judgment of the citizen disobedience promotes the greater welfare of the society, as a whole, in which he lives. Evidently meant for a democratic system, this statement, however, raises many new questions. If the citizen is going to be the considering judge about his own problem of obligation, we do not go very far. And if the question of social welfare is going to be the deciding factor, the same old problem of the dissenting individual remains. Not that these make the above compromise statement worthless; indeed it is a sane formulation, but its success lies more in indicating the difficulty of the whole problem rather than in solving it.

Dissent and Resistance. Governments, in the long run, do not live by force or coercion but on their capital of confidence which is derived from the citizens. The obligation to obey can never be absolute. Just as the need to obey follows from the nature of co-operative social living, so the fallibility of authority is also a normal human attribute. In an authoritarian political system, the force of the state and the myth-makers employed by the state attempt to force on the society the claim of the authority's infallibility. On a grand scale might parades as right and the people have no alternative but to swallow such propaganda. The democratic political

systems, on the other hand, rest on the very assumption of the fallibility of authority. The idea of government by consent presupposes the possibility of dissent. Freedom facilitates criticism. And the ways of the government are supposed to be corrected by the rational case that the critics make. But there may be occasions when continued critical efforts may not have the desired effect. Should the people wait for another election? The elections are never very far off, it may be admitted, but even after the elections there is no guarantee that the causes of the particular grievances would be definitely removed.

This brings us to the heart of the problem of the limits of political obligation. From Socrates to Gandhi, a gallant series of thinkers have reflected on this point and yet the politics of dissent remains one of the most confusing areas of political enquiry. If the individuals or groups of persons come to feel that a particular dictate of an authority happens to be one that cannot be rationally accepted, the individual or the group has no need to conform reluctantly. Conformity has no inherent virtue in it, and we have seen in the pages of history that the great political movements for freedom usually began from some bold non-conformist attitudes and efforts. Some of the best traditions of political philosophy provide many important illustrations of the merits of non-conformity. In the past the idea of natural rights often acted as a ground for deviant behaviour of men and groups. Natural law offered a good ground for testing the value of the positive enactments—good in the judgment of those who claimed it. The utilitarians replaced this standard by the calculus of utility. Each community had to measure carefully the probable mischiefs of resistance against the corresponding mischiefs of obedience, and when the former had a lesser score, measures of resistance could be adopted. Karl Marx challenged the whole foundation of the conventional ideas of obedience by his logic of class struggle. According to him the economically exploited people have no ground to obey the exploiters, and this refusal to obey should and must lead to a revolutionary overthrow of the exploiting authority. Laski's theory of resistance was a mixture of the economic logic and pragmatism. Every authority, according to his view, is to be judged by its capacity to

satisfy the effective, most economic demands of the people. The individuals or groups are justified in refusing to obey the authority when it fails to conform to their norms. Even the later idealists, in spite of their great concern for order have not failed to grant the right of resistance. Thus Barker referring to a super-political obligation grudgingly conceded a case for resistance with the qualification that the resister must be ready to face the legal consequence and should be eager to calculate in terms of justice the contribution he makes to the social thought against the possible cost of disturbance of the entire scheme of law and order. His ideas have a close affinity with those of Mahatma Gandhi, though the points of difference are significant too*.

Evidently, the problem of resistance has to be judged very carefully. In view of the fallibility of social authority and the rapidly changing norms of social and political living, it is impossible to deny the case for resistance. But it has to be assessed in terms of its context and probable effects. In a democratic system with an articulate structure of freedom dissent may not need the assistance of an open defiance of the laws. However, even in a democracy its case cannot be entirely denied. A citizen may respect the basic democratic frame and yet may feel the imperative necessity for resisting a particular piece of legislation or authoritative act. Loyalty can never be unconditional, and a little non-conformity may, in fact, enrich the democratic content itself, provided this act of resistance challenges a particular law in order to improve the constitutional democracy itself. Rebels without responsibility are rightly thought to be unworthy of democratic rights. Democracy can afford to be tender to resistance only when there is the minimum assurance that the resister has no intention to destroy it. The problem of resistance changes considerably when the resisters face undemocratic authorities based on arbitrary power. In such cases the authorities, resting as they do on foundations bereft of consented legitimacy, themselves invite a mode of resistance that does not feel bound by any ultimate concern for responsibility. Often the resisters in such situations are hardly left with any choice. As a result

* See the discussion on ideals and ideologies for an analysis of the Gandhian methods of political change.

sy becomes almost impossible to discover any limiting lines of which could offer an element of rational moderation on either side. When there is no scope for legitimate resistance, the social safety valves disappear. As a consequence the voices of dissent try to discover other channels for expressing their grievances. In this way despotism and dictatorship tend to open the floodgates of revolution.

Innovation and Revolution. A political change may be viewed as a transformation or reformation according to the scope of practices involved and the degree to which the political structure is modified. It may be described as moderate or radical according to whether or not the change is made in accordance with the established 'political formula'. Reform indicates a change carried out by moderate methods whereas a political revolution signifies a radical change in the political system. A reference to revolution may, of course, be clothed in terminological ambiguity. In ordinary discussions revolution may refer to deep-seated economic change, intellectual transformation, important shift in style, etc. But the term 'political revolution' usually sets its focus on drastic, sudden substitution of one group in charge of the running of a territorial political system for another group. Correspondingly, social revolution refers to a radical change in the social structure affecting all its major units. No social sector can escape the reality of change. Society, indeed, should be considered as a process rather than a product. It is a vast theatre where the scenes together with the actors are constantly changing. The difficult thing about it all is to identify the directors of the successive dramas. Behind the unfolding acts, many important thinkers, however, are prone to discover a plot, a logic and a law. Thus Hegel, Marx, Spengler, Toynbee and many others have offered striking conjectures which have invited equally striking refutations. For our purpose, we would concentrate mainly on the question of the political aspects of the problems of innovation and revolution with the necessary reference to the social context.

Human imagination is never tired of creating novel perspectives in the political scene. In a critical situation of great intensity, new ideas and ideologies may offer new hopes by advancing a new formula. In some cases these new perspectives may cause a certain degree of innovation to be introduced

in the political system, provided, of course, the authority is receptive to these innovational urges. If such innovations are carried out through the existing set of basic political arrangements, that is to say, without disturbing the basic structure of the political system, we may say that a reform has been introduced. But if the governing élite refuses to introduce the necessary innovations and continues to maintain the obsolete order by sheer force and continued arrogance, the advocates of political change may be compelled to use more radical methods in such cases. It may entail the use of extra-legal methods, including violence. But a revolution should not be confused with all acts of political conspiracy, assassination and violence. A conspiracy in the form of an internal clique among the élite circles may lead to a 'palace revolution' which may not result in any vital change of the nature of the authority. And assassination, as Max Lerner points out, is only an index of the gap between the driving political impulses of men and the limits for their attainment set up by the existing political forms. A revolution signifies a more fundamental change of the political structure. It is characterized by more radical methods of political innovation in the realm of power. If a revolution happens to be limited to the political area alone, there may not be a significant change of the social content of the authority. However, a political and a social revolution may make a simultaneous assault on the old order and in that case the base of the revolution may touch far deeper roots.

Political and social revolutions take place only when a number of appropriate conditions exist. The stability of a rule, it may be said, varies with the degree of actualization and realization of value for the mass. These values may be political, economic, moral or social. The tendency to oppose bitterly the existing political authority springs from a deep political and social discontent. If the masses are deprived of their basic necessities deliberately by the rulers and the demands and the basic expectations of the people are continually frustrated, the ground for revolution is prepared. As Gaetano Mosca has pointed out, ruling classes decline inevitably when they cease to find scope for the capacities through which they rose to power, when they can no longer render the social services which they once rendered, or when their talents and

the services they render, decline in importance in the social situation in which they live. A revolution, again, may not occur unless the old élite refuses to recognize the contributions of the new élite. A polarization of society between two bitterly antagonistic political groups accentuates the intensity of a political crisis. Added to it, if the intellectuals armed with novel perspectives, side with the new revolutionary power groups, the situation becomes highly favourable to a revolutionary course. In a situation where masses of men are ready for a desperate action and the élite, carrying the new banners, is ready to guide them and the old élite has lost completely the faith in itself, the stage obviously becomes ready for revolutionary action. When the rebel current of ideas and the rebel current of action converges to a common political point, revolution is usually at hand.

Considered psychologically, the main factor in revolution is not *alone* the repression of the basic instincts, impulses or desires which demand drastic social action. Some psychologists believe that it is rather a failure to condition the primitive impulses of certain classes to the socio-cultural changes which have already occurred; it is the failure of the learning processes to sublimate the primitive tendencies into behaviour which is socially appropriate to the new conditions. The psychology of leadership also has an important place in such an enquiry. The leader verbalizes and makes conscious the feelings, emotions and the desires of the masses. The role of a militant leadership, supported by a conscious band of agitators is an essential necessity in the mechanics of a revolution. Similarly the role of the new myth, new symbols and legends are all important elements in studying the politics of revolution, for without them no revolutionary movement can make sufficient progress. Only by destroying the old myth system can revolutionaries proceed towards a fundamental reconstruction. The new myth promises a new heaven, and its merit in the field of action lies in its capacity to persuade rather than in its internal consistency or lack of contradictory elements. For creating the new mythology is an art, and it is precisely here that the role of the new intellectuals and the prophets of change acquire a crucial importance.

Revolution, no doubt, initiates a sharp turning point

political affairs. But the consequences of the revolutions rarely conform to the myths propounded by its advocates. A wild game of destruction sweeps away many features of the old order. A radical re-allocation of power follows a successful revolution. Old values tend to disappear. The leaders of reconstruction inherit, in most cases, a heap of wreckages. It takes quite a long time to rearrange the political system. The state and the authority undergo a radical reconstruction. A deep maladjustment follows in the social scene in the case where the revolution happens to be a comprehensive radical adventure touching all the major social points. A bleaching cost of development becomes impossible to avoid. Reason demands that there should be a calculation of the costs, and their corresponding benefits, of a revolution. In many cases the costs overwhelm the benefits. That is precisely why revolution has been considered in the democratic and rational quarters to be, in many cases, an avoidable adventure. However, such rational considerations in terms of theory leave little consolation for those situations where there is hardly any alternative. Revolution by consent or evolutionary political programmes are facilitated by the readiness of the political system to permit demands to be expressed and realized by a warranted democratic procedure*. Human history did not always offer such an opportunity. It does not offer such an opportunity in all the contemporary political systems either.

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* For an elaboration of this point in a comparative frame, see the discussion on ideals and ideologies.

Chapter VIII

PUBLIC OPINION AND MASS PERSUASION

BEFORE any discussion of public opinion begins one should be conversant with the difficulties of arriving at a precise meaning of the terms '*public*' and '*opinion*'. The term *public* may be used to refer to a group of people (*a*) who are confronted by an issue, (*b*) who are divided in their ideas as to how to meet the issue, and (*c*) who engage in discussion over the issue. The presence of an issue, of discussion, and of a collective opinion is the mark of the public. The public does not exist as an established group. It represents a spontaneous grouping. Its existence is dependent on the presence of an issue. As issues vary, so do the corresponding publics in a social scene. An opinion refers to a belief somewhat stronger or more intense than a mere impression, but less strong than positive knowledge based on adequate verification. At this stage opinion should be distinguished from attitudes. The common confusion between these two categories has led to many false inferences in psychological and political studies. Attitudes, it may be noted, are the inferred bases for observed consistencies in the behaviour of individuals. They express themselves in what people do or abstain from doing and in the manner in which they do things, as well as, on occasions, in what people say. Public opinion refers to the opinions held by a public at a certain time.

[Various definitions of public opinion have been offered by leading writers, and as a result it is not very easy to come to a conclusive understanding about the terminology involved. We would rather prefer to adopt a workable definition. William Albigh attempts to define public opinion as the expression by members of public on controversial subjects. According to Floyd Allport public opinion is given its meaning with reference to a multi-individual situation in which individuals are expressing themselves, or can be called upon to express themselves, as favouring or disfavouring some definite condition, person, or proposal of widespread importance, in such a pro-

portion of number, intensity and constancy, as to give rise to the probability of affecting action, directly or indirectly, toward the object concerned. Such a guarded description of the nature of public opinion has not always been respected by the political scientists and the social psychologists who write in this field. Taken broadly, for our purpose we may accept that by public opinion is meant, people's response, implying approval, disapproval or indifference, to controversial issues of general attention such as internal policy, international politics, political personalities, etc.

Opinion and Communication. The relation between opinion and communication and especially the one between public opinion and mass communication received little attention in older writings on public opinion. Some four decades ago when Walter Lippmann wrote his famous treatise on public opinion the importance of this relationship was not brought into focus. Recent analysis has, however, shown an eagerness to place a great importance on this problem. Communication, as Bernard Berelson observes, means the transmission of symbols through the major media of public and private communication. Communication requires three elements—the source, the message, and the destination. A source may be an individual or an organization. The message refers to a sign or signal capable of being interpreted meaningfully. The destination may be an individual or a member of a group or an individual member of the particular group usually known as the mass audience. Mass communication, it should be noted, is directed toward a relatively large, heterogeneous, and anonymous audience. Mass communications are public, rapid and transient. They refer to organized communication. Recent technological advances involving the popularity of radio, motion pictures, newspapers and television have made mass communication possible.

The degree of effect of communication as an influence upon public opinion varies with many factors. In the first place, the effectiveness of communication in this area varies with the nature of the communication. The more personal the medium, the more effective it tends to be in moulding opinions. The radio, for instance, seems to speak to the audience in a more personal way than the newspaper does. A warm human voice

is more effective than a cold printed column. In the second place, the effectiveness of communications as an influence upon public opinion, in general, tends to vary with the nature of the people. For example, if the people in consideration are less informed, they tend to be more susceptible to opinion conversion. In the third place, the effectiveness of communications also depends considerably for its success on the nature of the conditions. In the fourth place, it should be remembered that the media of communication have different kinds of effects upon public opinion. Thus, it is usually found that when a medium continually caters for entertainment it usually has the effect of minimizing the political interest of the audience, or a medium may simply create political apathy by a complicated presentation of problems. Finally, we should also consider the effect of public opinion upon communication itself. Thus, when the media-manipulators try to assess the people's political or social tastes before they decide to communicate something and show a propensity to conform to these tastes, they already recognize the way public opinion affects communication by setting certain limiting lines round it. The true picture of the relationship between public opinion and mass communication become evident only when we are prepared to study the reciprocal influences between the two.

Sources of Opinion Formation. In the modern complex society, the sources contributing to the formation of public opinion are bound to be plural in number. There may be some cases where one single factor may prove to be decisive, but usually a complex combination of many different sources and influences contribute to the shaping of public opinion. The family, for instance, may be considered as one of the basic moulders of human opinion. Even in a society in which the human mind is subjected to many influences, the family as a basic human group retains an important grip on the process of opinion formation. It is not surprising that in the U.S.A. opinions about voting are considerably shaped by the influence of the family. Similarly, the basic religious institutions (as, for instance, the Church in the West) also have a good share in the process of opinion formation. The family, the religious institutions and the school or other educational institutions create a base for the traditions, beliefs and attitudes of a per-

sonality. The exact magnitude of the moulding influence of these institutions may vary from case to case and situation to situation but their great importance can never be denied.

Another important source of opinion formation and determination is contributed by the media of mass communication. In a mature society the use of these media may acquire an unprecedented significance. Thus, the radio, the television, the motion picture, and the press may be of crucial importance, though recent researches have revealed that the influence of these media, taken alone, has often been greatly exaggerated. The radio, for example, has revolutionized the communication process even in the underdeveloped countries. The people in the most remote villages can now keep abreast of everything that is happening in the world. In countries haunted by illiteracy, radio can be utilized with great effect to overcome a great barrier to communication. The opinion leaders may expedite this process further by face-to-face communication with the opinion takers. Personal influence moulds public opinion more intensively. The interest groups or the various pressure groups may contribute to opinion determination through their attempts to mirror and manipulate public opinion. * On a grand scale the same task can be performed, and is actually being performed, in all the political systems by the political parties. Even in a dictatorship, it is the political party which has to lead the process of manipulating public opinion for the sake of the functioning and the stability of the political system. In a democracy, the educating campaigns of the political parties conducted through party-literature and cadre-agents performs an important opinion-formation function. The debates in the legislature involving the great issues of the day offer an equally important source of public opinion formation in a democratic system.

Public Opinion and Democracy. The idea of democracy is intimately associated with the idea of a community consensus. The consensus consists of a set of common values accepted by the community. Consensus should not be confused with public opinion. It suggests the existence of a deeper attachment to a general value-pattern that ultimately sustains any community. The democratic variation of consensus is dif-

ferent from its other counterparts because here alone the intended consensus is assumed to be a product of general agreement arrived at through the channel of free acceptance of the value pattern by the people concerned. The free play of public opinion is supposed to act as the basic instrument which secures democratic consensus in an open society. The assumptions usually granted by the democrats may be stated as follows: first, political authority rests with a body of responsible adult citizens of the community; secondly, these adults work through the process of free discussion and determination of the policies; thirdly, consensus arises out of such open processes; and finally, all public actions are to respect this consensus. Historically, such assumptions have frequently been stated, either implicitly or explicitly, for advocating the causes of freedom and democracy.

The ways of articulating these assumptions in the institutional form of democracy was easier in the earlier democratic experiments when the direct role of the primary groups was more important than it is today. In a mass society the direct importance of the secondary groups in respect of political decision-making makes the task far more complicated. Technological innovations, increasing urbanization, rising social and spatial mobility, the emergence of new culture-patterns, and a host of other factors has necessitated the reformulation of the role of public opinion in sustaining and maintaining a democratic political system. Today a citizen has to keep himself informed about the whole range of events and personalities starting from the local level to the international level. He cannot assess the necessary points of information in terms of a personal standard always—quite often the medium of mass communication in a subtle way relieves him of the responsibility of assessing and judging the events and situations. When, for example, he is solemnly commenting on an important problem he is very often unconsciously repeating the ideas instilled in him by some hidden persuader—an agent who hides behind the editorials of the newspapers, the medium of the movies, the charming ideas of the telecast hero, the attractive opinions of the radio commentator, or even his own neighbouring opinion-leader. Public opinion, as a consequence, is now based on a good many more inferential, imaginative

and non-rational elements than could be possible in a simpler society.

All this is only to point out the problems of public opinion in a democracy based on mass-society. But what can public opinion achieve directly in the political sphere? With Mac-Iver, we can answer that public opinion can take sides for and against some principle or general programme of government, a principle or programme formulated either by the government itself or by an organized group or party. Secondly, it can express its pleasure and displeasure with the general record of the administration in power and determine accordingly, through periodic elections, whether to retain or to replace the existing government. In doing so, it is not expected that public opinion will act with all available elements of reason and information. An assumption of rationality in such a case would be to expect too much from the people. The more important question is the relevance of these postulated actions to the functioning of democracy. And if it is assumed that democracy is a way of determining who shall govern and how, we should admit that it sets up no standards by which one can judge the intrinsic merits of any specific contribution. So long as opinion plays freely over the basic points of government and so long as no one holding an office is shielded from ultimate responsibility for his actions, the essential condition of democracy may be said to be provided for. In a democracy, public opinion is not supposed to be a substitute for leadership. It does not have to invent those arts and compromises which are essential for the running of a democratic government. It has rather the task of acting as the ultimate guide to democratic government.

- **Reason, Myth and Public Opinion.** In the classical liberal imagination, man was viewed as a rational social unit. The image of a rational man endowed with a capacity of being reasonably informed and equipped with an ability to calculate the merits and consequences of the governmental policies, has not been accepted by modern political analysis. The idea of a rational citizenry blessed with a sense of rational understanding of the political process may act as a relevant assumption behind democratic thinking, but to portray man as a being who already possesses the power of rational decision and

judgment means, in fact, an unwarranted generalization. Such a theory also errs in believing that a rational public could always be moved by a rational opinion and that this could produce the best groundwork for representative democracy. History has shown that the rational faith in the power of education was largely misplaced. The rise of dictatorship and the flight from freedom in some of the advanced parts of Europe indicated that, taken alone, education is a poor guarantee for rational political behaviour. Similarly, the penetrating insights of modern psychology have allowed us to view man as a combination of rational and non-rational elements. Man, we know, is capable of rational behaviour but he is also capable of being led by non-rational elements. The capacity of myths, symbols, stereotypes and other such elements to shape the opinions, attitudes and decisions of the people and the public should be taken into account.

Psycho-analysis has revealed that the roots of attitudes and opinions lie in the deeper subsoils of the subconscious zones of the mind. It has shown that certain attitudes may be a direct or an indirect reflection of family relationships; to take a specific example, anarchism or any other form of radicalism may be due to a revolt against authority in general, resulting from the revolt against the father in particular. Lasswell has utilized such methods in his analysis of radical leaders and Erich Fromm has shown how the pattern of family authority may influence the reactions to political movements. Walter Lippmann's reference to the influence upon human behaviour of stereotypes provides another indicator of the non-rational basis of opinions and attitudes. Moreover, the very idea that the individual basis of human behaviour is always important in a democracy, seems to be based on a misreading of the political process. Thus, according to David Truman, evidence from a variety of sources indicates that voting is a group experience. The studies of Paul Lazarsfeld and others also suggest that individuals tend to vote in conformity with the preferences dominant in the social groups with which they are most associated.

From these findings it may be apparent to some that public opinion, since it seems to be governed in a large measure by unreason, must be conceived as a liability rather than an

asset. Such an attitude goes too far. On our part, rather we should be prepared to admit that in a democracy public opinion usually does not always reveal an inherent tendency to submit to all forms of unreason. To say that it can misbehave does not imply that it has always misbehaved. Public opinion may be interpreted as a very important political factor which may be exploited by the open manipulators and the hidden persuaders. It may, however, be employed with an improved sense of purpose and rationality, provided we are ready to use this delicate instrument with the proper knowledge and conviction appropriate to the demands of science and freedom.

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Chapter IX

POLITICAL PARTIES AND PRESSURE GROUPS

A POLITICAL party acts as a bridge between the political forces, ideas and ideologies and the official authoritative institutions of the political system. The growing importance of the role of the political parties is, in part, a consequence of the recognition of the fact of mass-ascendancy in politics. It is no longer possible to be satisfied with a formal study of the laws and the offices of the state in order to understand the nature of a political system. The substance of politics can be properly understood only when one concedes the importance that the political organizations including parties and pressure groups in reality deserve. With the gradual broadening of the base of political action, the sources of potent participation can be studied only when we focus our attention on the vast networks of mass-partnership represented by the political parties, for a party in its very essence signifies partnership in a particular organized frame, just as it also indicates separation from others by a specifically charted system of ideas and programmes. The pattern of the party organizations, their attractions and repulsions, their manner of competing for power, the myths and ideologies sustaining their banners, and other such related questions are of immense importance to a student of politics. Without an insight into these structures and processes the world of modern politics would, in a large measure, elude the grasp of political analysis.

In general the modern political party may be defined as the articulate organization of society's active political agents, those who are concerned with the control of governmental power and who compete for popular support with another group or groups holding divergent views. The element of competition for power is usually absent in a dictatorial political system because here the party that comes to exercise power has to monopolize all the sources of political power. In fact, the party in a dictatorship is largely a misnomer because the element of partnership within it happens to be mostly a pro-

duct of forced behaviour. The ruling party in a dictatorship is almost synonymous with the ruling authority and such a convergence sets it apart as a class by itself. It represents a close hierarchy of perpetuated power which mainly acts as the source of justifying the existing power relationships. This is very different from what happens in an open political system as envisaged by democracy.

The Evolution of Parties. On the whole, as Maurice Duverger comments, the development of parties is bound up with that of democracy, that is to say with the extension of popular suffrage and parliamentary prerogatives. To a certain extent the rise of parties is due to the rise of parliamentary groups and electoral committees. This is not to deny the importance of the extra-parliamentary origin of some parties. Parties originating in the second way differ considerably from the parties of parliamentary origin. A party finds it difficult to forget its origin. It is small wonder that interior or parliamentary parties consider the winning of seats in political assemblies to be the essence of the life of the party whereas the parties born outside the shade of a parliamentary chamber may show a much greater independence of parliamentary political considerations. Historically, it may be observed, that up to 1900, the greater number of parties originated in the first way and that the other way came into sharp prominence only later. This fact, of course, applies more to the European political scene and when we come to the politics of the developing areas of the East, we will have to modify our reading of history to a great extent. Anyway, the modern forms of party organizations in the liberal democracies of the West are, as Max Weber pointed out, the children of democracy, of mass franchise and of the necessity to woo and organize the masses, and develop the utmost unity of direction and the strictest discipline.

Adopting a rather broad definition of a party, Weber detects three stages in the evolution of political parties. In the first place, parties were, for instance, in England, pure followings of aristocracy. In the second stage, the parties of notables indicated the rising power of the bourgeois. In the third stage, the notables and the members of Parliament ceased to exercise arbitrary rule, and professional politicians outside Parlia-

ment took the organizational controls in hand. The power of these professional elements has already transformed the relationship between the parties and the government and has finally done so between the leadership and the members within the parties.

Types of Parties. The themes around which political parties are organized reveal a great variety and the parties may be based on political, moral, social, economic, class, personal, religious or élitist issues. In most cases these issues tend to overlap, and yet one may distinguish political parties by referring to the dominant theme around which a party attempts to act. Even if all of them are by definition interested in the political issues facing the society, some of them may be excessively dominated by the personal qualities of their leaders. Parties based on personal qualities are known as *charismatic** parties. The leadership of Lassalle in Germany between 1863 and 1875 over the socialists showed such a tendency. In most cases the socialist and the communist parties are based on social, economic and class issues, though the element of class consciousness seems to be losing some of its earlier charm in the case of the democratic socialists of the West. The predominantly Christian political parties of Europe reveal the overwhelming influence religious interests can have over a political party. According to Robert Michels the Fascist Party experiment and the Soviet Communist Party can be classified as élite parties. Such parties want to show to the outsiders their faith in the people but at the same time they insist on the right of a few to rule. Again a party may be simply based on a political principle without paying much attention to social or related issues. The history of European politics is full of instances of parties which have defended monarchy, republicanism, nationalism, regionalism, etc. Evidently, it is not easy to classify all the different types of political parties into neat categories. What is necessary, however, is that one should not forget the complex range of the different shades of political opinion. A knowledge of the relative emphasis on a particular aspect helps us to understand the nature of the party processes in a more fruitful way.

* Max Weber uses this term to express the personal halo of a leader that acts as the most important element in the leadership.

Party Systems. The general pattern of party life within the political order of a society depends to a great extent on the particular party system that has been attempted. A system in such a case may refer to the degree of freedom that is allowed in organizing parties. Thus, in a *closed party system* the political authority may by legal regulation refuse to permit the existence of any party other than the ruling party. The one-party system of the U.S.S.R. is a product of such a closed system. A closed system may also permit the existence of more than one party—as the Peoples Republic of China has done—provided the ‘other’ parties are prepared to conform to the demands and the expectations of the ruling party. In such an instance the existence of a plurality of parties becomes only a matter of necessary fiction and nothing more. On the other hand, the *open party system* guarantees the free competition of parties. Granted an open system the number of political parties in a particular political system may be one, two, or many. The variation of one-party rule within the framework of an open system is, of course, not a common phenomenon. In the state governments within a federation, one particular party may sometimes attain such a predominant position that it may not be unfair to talk about one-party rule in such areas. For example, this kind of pattern is actually found in some states of the U.S.A., especially in the southern states.

Two Parties. In a *two-party system* the entire political scene is dominated by the keen rivalry between two major parties. It does not mean that there cannot be any other political party in such a scene. The fact is that in the major countries adopting the two-party system there have been many smaller political parties as well, though these scattered entities do not in any way play an important role. Thus, in Britain and in the U.S.A., apart from the major parties playing their parts in the two-party system, there are other political parties but the smaller parties have little capacity to influence the course of politics in the national political scenes of these two countries. The existence of a two-party system in Britain may be characterized as a historical accident which the plurality system of elections and the single-member constituency have helped to maintain. In the U.S.A., the original factors which moulded the party system into a dual form may be said to be respon-

sible for preserving it even today. They included the confrontation of the country with a vital issue that could divide it into the ayes and the nays; the debate over the adoption of the constitution. Here the two-party system was also shaped to a certain extent by the existence of two major complexes of interest in the country. Be that as it may, the broad results of the two-party systems in Britain and in the U.S.A. are a gain of political stability. From this, a rather erroneous assumption has grown up in many quarters that not to have a two-party system would mean inviting the forces of instability.

Many Parties. In the case of a multiple-party system one finds the existence of a fairly large number of parties which tend to compete with one another. The plurality of major parties may pose a problem—as it did in France till the Fourth Republic—to the extent that no single party may hope to achieve a stable majority behind it and as a consequence a succession of unstable coalitions may follow. But it is not necessary that instability must haunt the countries which have preferred to push several parties into the political limelight. This has been proved by the Scandinavian and the Swiss experiments in multiple-party systems. For example, in Sweden and in Switzerland, multiple-party systems have worked out a process of co-operation among the major parties which has offered an excellent form of stability and efficiency. The important fact to note is that a particular number of parties cannot be taken as a sufficient index of political values. Much more, it seems, depends on the national character, the state of socialization of the basic values of the political system, and the general preparedness of the people to support the basic norms of the political system. Generalizations, therefore, based on insufficient cases, should be avoided in any study of the role of the party-systems.

One Party. Although dictatorship is as old as the hills, says Duverger, dictatorship based on a party is a new kind of political system. The one-party system is only the adaptation to the needs of a dictatorship of a general technique that had its origins within the framework of democracy. The Soviet constitution of 1936 provides an important example of a single-party political monopoly sanctified by the fundamental law

of the régime. The Soviet, and for that matter, the totalitarian, form of one-party state is, in some respects, different from other dictatorial experiments. In the Soviet case the party acts as the comprehensive instrument by which the entire social system may be manipulated. In the traditional forms of dictatorship the single ruling party tends to be less comprehensive—it acts more as an essentially political instrument of the ruling power. In both these closed systems of single-party rule the opposition has no place. Power is monopolized at the centre and the ruling élite cannot be in any way distinguished from the leaders of the party. Indeed the idea of *the party* is a significant innovation of the great dictators of our century.

Role of the Political Parties. The development of political parties has profoundly altered the nature of the political process. The classic idea of democracy as a continuous dialogue between the government and the governed has now been substituted by one which requires the interposition of political parties as the link between the people and the authority. Thus, a representative of the people is now first chosen by a party; the people are supposed to ratify this choice through the electoral system. In a dictatorship the people have no choice; they have to ratify the decision of *the party*. In a *democracy*, however, the people may choose from among several candidates offered by a plurality of parties. Thus, a representative in a democracy has to receive a double mandate—one from the party and another from the electorate. The method of proportional representation, if adopted by a democracy, would again tend to increase the influence of parties over candidates. Here the general influence of parties on the preparation of the lists is considerable and the consequence both of cross-voting and of the preferential vote is much more to give the elector a greater freedom of choice among the candidates proposed by the parties than to make free candidature possible. According to Duverger, only the double-ballot simple majority system makes a relative freedom of candidature possible if it coincides with small constituencies. And even in such situations the party candidates enjoy a differential political advantage. A particular way of correcting this type of influence may be initiated by the political parties themselves, provided

they are eager to promote a relative flexibility about their own internal system.

The role that the parties play during the electoral operation in a democracy is twofold: in the phase of preparation they nominate the candidates of their choice and in the second phase they try to influence the peoples' choice between and among the candidates offered. The campaign is an occasion for the demonstration of the doctrinal and the organizational position of a party. In a spate of propagandistic activities a party seeks to make its policies and ideas known to the people. Organizing the electorate in this way serves both the parties and the people, and a modern democracy is almost incomprehensible without this important role of the parties. Electoral activities apart, the parties also assume the responsibility of continuous communication with the people. They mobilize public opinion on important issues and keep the people abreast with the affairs of the political system. After a party becomes victorious in an election, it has to control the government. On the level of agitational action, the parties, especially the radical parties, seek to organize mass movements which in some cases may adopt a rebellious character. In the opposition they act as the forum for continuous criticism. The ruling party very often finds it difficult to hide its debatable activities from the ceaseless vigil of the opposition parties. In the case where the ruling party ultimately has no choice but to leave the seat of power, the opposition acts as a ready substitute. If it can fill the gap left by the retiring rulers—which has been the case in many democracies—the political system acquires an important safety-valve which gives it a significant anchorage.

The economic, social and educational roles of the parties cannot be neglected in any serious analysis of the parties. In an underdeveloped country facing the urgent task of rapid economic growth, the task of planning requires a consensus behind the operation of the plans. In a democratic context, many parties may come together to form a basic area of agreement which may help the planners. They may also choose not to agree and in that case their negative role has to be taken into account in the calculations of the planners. Democratic parties having an accent on socialism perform a valuable task through the integration of the various interest groups into

a political mould. Some parties do not engage completely in agitational commitments and they may initiate a network of social welfare activities including campaigns for educating the public.

In an *authoritarian* political structure the role of *the* party follows a different course. Most of the roles and functions mentioned above refer to democratic systems and we come to a very different picture when we consider the unique role of the party in either a dictatorship or a totalitarian system. To gain membership in the Soviet Communist Party, for example, is an achievement and a distinct political privilege. The party members, in a single-party authoritarian system are virtually the superior citizens. In a totalitarian system, the mystique of the ruling ideology is propagated by the party. The party controls the government, watches the administration, mobilizes peoples' active support for the government, conducts ceaseless propaganda campaigns, makes the people conscious of their destiny, continuously weeds out voices of dissent with the support of the government, and urges the people to fulfil the targets of the state plans. The social, cultural and the literary norms are set forth by the party directives and the party carefully seeks to obliterate the democratic distinction between the private and the public choices of an individual. In a single-party close system, the party acts both as the conscience and as the commissar of the peoples' affairs. No one can dare challenge the consecrated charisma of the party leadership. The party can do no wrong in a dictatorship—that is the guiding doctrine of the respective dictators.

Power and Pressure Groups. In the give and take between the government and the governed, observes V. O. Key, Jr., the formal apparatus of government may be supplemented by a system of private associations, which in the U.S.A. are called pressure groups. Sometimes group activity has been viewed in a broader frame—that of interest groups. According to David Truman's analysis, an interest group implies any group that, on the basis of one or more shared attitudes, makes certain claims upon other groups in society. Social, economic, political and other groups may be comprehended within the ambit of a broadly defined interest group. On the level of effectivity the trade unions, agrarian associations, cultural

groups, associations of businessmen, professional associations, irrespective of size and organizational design may nearly all have strong voices in the political process of a country. Again, the concept of group interest as a shared attitude also permits one to consider certain aspects of politics that usually escape us because too often political analysis seeks to limit the notion of group to organized structures. An operative, though not necessarily organized, group may come into being in response to a specific problem in a 'community' sector of politics. Such clusters, identified by Truman, as potential groups, may have important political significance.

More commonly a pressure group moves the government to action. As a country of 'joiners', the United States has a rich share of diverse pressure groups. In Britain they work more unobtrusively and with less glare of publicity than in the United States. In France there is often a tendency for political parties and pressure groups to coalesce on an organizational plane. The various pressure groups in India have, on the whole, less concretized patterns than their Western counterparts. To be sure, in Britain and India, cabinet government and relative party rigidity do not seem to go well with a very strong pressure group system. Things are quite different in the United States where because of a relatively individualist accent on flexible party control, political bargaining by the pressure groups assume a great importance. Since the formal structure of the government here fails to reflect faithfully any large segment of the interests due to the excessively heterogeneous nature of the polity, the interests tend to seek informal ways of influencing the government.

While political parties are mainly, although not exclusively, concerned with who shall exercise power, pressure groups and lobbies are mainly concerned with how power shall be exercised. Some pressure groups are extremely partisan and they are more closely related to political parties. The *lobbies* are confined to a narrower frame of intention and performance; they concentrate mainly upon the business of the legislature in session. They are concerned more with the passage or defeat of particular bills awaiting consideration. Most pressure groups have their own lobbies. The lobbyists in the United States are employed on professional terms. They act as legis-

lative agents and are usually well versed in the art of persuading the legislators. Small wonder that in the United States the political process seems to be a continuous game of power between parties, pressure groups, lobbies and individuals. In this game the parties in the United States do not always come out as the winners—sometimes the pressure groups may overwhelm the other participants in this game. The same, however, is not true in respect of other political systems—at least not to the extent of the American scene.)

Party Behaviour, Democracy and Oligarchy. On the level of logic and evaluation, maintains Leiserson, the problem of democracy is to be visualized in the setting of an institutionalized system of political authority, charged with the functional responsibility for unifying and co-ordinating a differentiated social structure, a well-administered economic system and a formal structure of governmental authority. In these terms, the party system is to be judged by its instrumental contribution toward this equilibrating and integrative process. A party system has to prove its worth in a democracy by a functional fulfilment of the requirement of a competitive leadership recruitment system in a society in which political power is dispersed and shared. Democracy is able to survive and prosper to the degree the modern party system can succeed in performing the above tasks. The relation between democracy and the party system thus seems to be one of great importance.

A persistent theme of some Continental thinkers like Mosca, Pareto and Michels has been one which seeks to point out the inevitability of oligarchic tendencies in democracy. Michels, for instance, argues that, the party regarded as an entity, as a piece of mechanism, is not necessarily identifiable with the totality of its members, and still less so with the class to which these belong. The party is created as a means to secure an end. By a universally applicable social law, every organ of the collectivity creates for itself, as soon as it becomes consolidated, interests peculiar to itself. The existence of these special interests involves a necessary conflict with the interests of the collectivity. In addition, social strata fulfilling peculiar functions tend to become isolated. Gradually these isolated strata are transformed into distinct classes. These phenomena seem to prove, for Michels, that society cannot exist without a do-

minant or a political class. No collectivity thus can escape minority rule—the inevitable rule by an oligarchy. In another essay, Michels reiterated that our consistent knowledge of the political life of the principal civilized nations of the world authorizes us to assert that the tendency toward oligarchy constitutes one of the historic necessities, one of the iron laws of history, from which the most democratic modern societies and, within those societies, the most advanced parties, have been unable to escape.

Now, social logic scarcely cares for any law, let alone iron laws or golden laws. Nourished by the aristocratic thoughts of Mosca, Pareto and Ostrogorsky, Michels has compressed the story of the evolution of all human collectivities in his own tight mould. The Continental scene which offered good grounds for Michels' pessimistic reflections cannot be sufficient for him to generalize in such a sweeping way. To depend on a crude crowd-sociology in order to formulate an iron law of oligarchy may be satisfying to Michels and his modern followers but there is hardly any reason to rely on such formulations with an air of certitude. In a democratic party the élite is equally exposed to the influences of the rank and file. There is a continuous re-shuffling of the leaders and the status of leadership is dependent to a great extent on the control exercised by the members. In a democratic party especially, the hierarchy acquires the nature of a control-polyarchy. The plural system of control evidenced in a genuine democratic party defies the law-builders' groove. Functionally stated, the instrumental capacity of the leadership is dependent on the norm of the collectivity as a whole. Upward mobility in a democratic party is not throttled to the extent of classifying the leadership as a closed status-group with a fixed role. It is easy to assert that the internal organization and functioning of parties is oligarchical and that therefore democratic party government is impossible. Such simplistic procedures of description and judgment obviously do not carry us very far.

What Michels noted in his analysis of the structure of some socialist parties and notably of German social democracy may, of course, be prophetically true about the closed type of doctrinaire socialist or communist types of parties but when applied to the democratic and the democratic socialist types of parties.

they mostly tell us what the aristocratically oriented political philosophers feel about the democratic processes—they do not always disclose the nature of the processes themselves. It cannot be denied, however, that there is much scope for further democratizing the existing political parties in a democratic system. It is also interesting to note the insights afforded by Hatschek's law. This attempts to show that the existence of a realizable programme is not necessary—a party lives by the strength of the organization and programmes are usually reduced to side-issues. But all these are not reasons why a historical or a probable trend should be equated with an 'iron law'.

Whether political parties are compatible with democracy or not, is a question that may be answered with reference to the concept of democracy that one has in one's mind. We have discussed already the instrumental nature of a realistic concept of democracy. The functions of parties in a democracy enumerated by us earlier indicate the simple fact that the necessary instrumental contributions expected from the democratic parties are not impossible to realize. At least a cheerful pessimist may conclude that both internally and externally, the democratic political parties have already played their part with a great degree of success, and if the past serves as any indication, the coming struggle for a more successful democracy has much to expect from the political parties and the various interest groups.

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Chapter X

DEMOCRATIC AND AUTHORITARIAN GOVERNMENTS

Forms and Arrangements. Modern political analysis prefers to classify the forms of government with reference to distribution of power. There are different aspects of allocating power and all these are to be considered if we are to have an adequate classification. Thus, democracy refers to a system of shared political power where no unit in the system suffers from a severe deprivation of power. In a dictatorship, on the other hand, political power is concentrated in the ruling unit only. Considered from the territorial angle, a unitary government is one where all power is geographically concentrated in the centre, whereas in a federal government power is distributed between the general and the regional governments in a co-ordinate manner. Analysed institutionally, a parliamentary government is one which prefers to allocate the major political responsibility to exercise power to Parliament and in a presidential government, the president shares power with Parliament. Some of these features, in fact, co-exist in most governmental arrangements. For instance, in India we have a democratic government based on a federal system and relying normally on a parliamentary arrangement. In Britain democracy operates in a unitary political frame with Parliament having the major responsibility for decision-making. In the United States one finds a democratic government operating within a federal framework with the President sharing power with the national legislature. The Soviet system of government is based on dictatorship of the proletariat, but it has, constitutionally speaking, a federation and a parliamentary arrangement. In some Latin American countries presidential government co-exists with a dictatorial and unitary or federal arrangement. All this would indicate the obvious inadequacy of the sixfold classification of government advanced by Aristotle who thought monarchy to be the best form and democracy to be the worst form of government. As we know today, monarchy has been

found to be compatible with democracy in Britain and democracy has commanded an almost universal assent for being a highly desirable form of government—at this stage we had better say at once that it is not necessary to award certificates of merit to any form for our analytical purpose—thus making Aristotle's scheme an obsolete one. In a way the most fundamental question that is nowadays asked is about democracy and dictatorship or democracy and totalitarianism. These terms are so popular that their glib use often hides the essential character of the governments referred to. Further difficulties have been introduced by the fact that the modern dictators, in their quest for popularity, seem to prefer to utilize the name of democracy for their régimes.

Democracy. Apparently, democracy is one of those terms which can be recognized by everyone and yet defined by none. Not that political theory lacks a definition of democracy; rather it has so many that choosing one out of the bunch becomes a well-nigh impossible task. And then there is the question of separating practice from pretension: when most of the dictators adopt the title of their enemies, democracy has reasons to be perplexed. For the common observer it is too difficult to clarify the linguistic jargon in order to arrive at the meaningful idea. The experts do not always appear to help because their own intellectual screens cannot be easily pierced through. Where then do we go? For our purpose it would be better to confine ourselves to a modest workable definition on the basis of which we can proceed further. The worth of our choice might be judged in terms of the contribution that it makes to an analysis of the fundamental problems confronting the democratic systems.

. *Meaning of Democracy.* The starting point of any attempt to define democracy has been well stated by Joseph Schumpeter: democracy is a political method, that is to say, a certain type of institutional arrangement for arriving at political decisions and hence incapable of being an end in itself, irrespective of what decisions it will produce under given historical conditions. It is better to refer to a democratic *process* rather than to a final *product*. To view it as the last point of achievement is to misunderstand its nature. With each new point of experience one may reach a new point of democracy. If

democracy is a principle and a method for adjudicating the basic political conflicts in a political system, it cannot remain static. Its answers to the problems of conflict are not given in one form of a holy gospel. Man changes his environment as he himself changes. Political methods are adapted to the changing needs of man and democracy also similarly proceeds step by step in tune with changing human conditions.

By setting up an 'ideal type', in the style of Max Weber, we can imagine the most extreme or pure type of democratic system. Such an ideal type has nothing to do with something good that one ought to endeavour to realize—it only refers to an imaginary pure type for the equivalent logical understanding. After doing so we can measure the degree of proximity of our 'real type' to the proposed ideal type. In this way the problem of democracy becomes one of measuring the continuous approximation of an operative democratic government to the ideal type of democracy that we have in our mind. And as an ideal type, democracy implies a form of government in which the political functions are exercised by the people with maximum intensity, effectiveness, and extensiveness in the constitutional manner.

A proper theory of democracy is likely to lay emphasis on the political form: the question of the substance of democracy should not directly enter into the discussion. We can begin with a minimal definition, as suggested by Robert Dahl, saying that democratic theory is concerned with the political processes by which ordinary citizens exert a relatively high degree of control over their leaders. Applied to the plane of government it means a procedure of equal treatment of the people's preferences. Electorally it means a procedure by which the people's choice may find its unhindered expression. Political authority in a democracy has to be responsible to the people and has to provide an open ground of political opportunities to the people. On the other hand, the people are also supposed to act according to the rules of the democratic procedure. Thus, democracy may be defined as a political system which supplies regular constitutional opportunities for changing the governing officials, and a mechanism which permits the largest possible part of the population to influence major decisions by choosing among the contenders for political office.

Abstracted from the ideas of Joseph Schumpeter and Max Weber, this definition, suggested by S. M. Lipset, is expected to serve our analytical purpose well.

Democracy and Majority. A defence of democracy has often led to a glorification of the numerical majority. In their desire to emphasize the role of the common people, political philosophers have sometimes paid so much blind tribute to the value of the multitude that not infrequently such statements have weakened the rationality of the democratic principle. Thus, Locke wrote that 'The majority having . . . upon men's first uniting into society, the whole power of the community natural in them, may employ all that power in making laws for the community from time to time. . . .' Lincoln claimed that unanimity is impossible; the rule of a minority, as a permanent arrangement, is wholly inadmissible; so that by all means the majority principle must be enshrined in the political system. De Tocqueville was more explicit: the very essence of democratic government consists in the absolute sovereignty of the majority. These descriptions or prescriptions, torn from their context, sound more irrational than in practice they really were, but the point remains that the attempt to identify democracy with the unlimited power of majorities has been a persistent theme of many democratic political writings—and they are important writings at that.

The majority principle cannot, however, be judged in complete isolation. It should be seen only as part of a tightly knit set of principles making up a democratic political system. If everything were left to the mercy of the majority, democracy itself would be reduced to a meaningless dogma. We cannot define democracy simply as majority rule. As MacIver points out, under democracy all minorities possess certain major political rights. The majority are not a determinate body who force it over a minority. In a democracy the government elected by a majority vote, may take away the privilege or tax down the properties of the minority, but they cannot suppress their opinions, or their faiths, or their right to appeal to the electorate, or their right to the due process of law, for democracy alone offers guarantees against tyranny over the mind and heart of man. MacIver seems to speak more of what democracy *should be* rather than what it *can be* because, as

a matter of political fact the majority when determined and persistent, does get its way; obviously so in a democracy with parliamentary supremacy, but no less so in systems where this is not immediately apparent. But to say that a majority can get its way is not the same as to say that a majority always or generally does so. The critics of the majority principle usually have a low opinion of the masses and it is, therefore, strange that they should ignore a vital fact about modern democracy, namely, that even in a democracy the basic decisions about policy are, in practice, taken by a smaller group of men who are generally selected by the representatives of the majority. Government everywhere is run by a relatively small group of people. In a democracy the difference is that this particular group is constitutionally and politically responsible to the people and accountable to them. The masses, even in a democracy, hardly take policy-initiatives and the elaborate safeguards and built-in balancing mechanisms that can be found in a democracy would rarely allow tyranny to be imposed on the minority by the majority.

Requirements of Democracy. No government, Bryce observed, demands so much from the citizens as democracy, and none gives so much back. Before we consider the consequences of democracy, we must give our attention to the things which democracy requires for its operation. Democratic political systems can thrive better when they are based on a community that is prepared to receive democracy in a proper spirit. Such a preparation should be supported by a readiness to act whenever democracy requires the citizens to act. The citizens under a democratic government are expected to be more than passive supporters. If the elements of continuous criticism and vigilance are not there, the governing élite may not do their best for the governed. What is more important, there must be a democratic mentality, an attitude of respect to the basic democratic values, without which no democracy has a chance to prosper. The democratic attitude is one of tolerance. Some political behaviourists insist that there is an authoritarian type of personality—a type which can never help democracy to prosper. Such a person, according to a detailed study made by F. W. Adorno and others, is a supreme conformist. He is rigid and shows limited imagination. He

is herd-minded and a phony conservative. A moral purism of an artificial sort characterizes him. By contrast with him his opposite, the extremely democratic personality, is a man with a mind of his own; he is a flexible individual, adjusting readily to new situations. He is sensitive to the part he plays in conflicting situations and is ready to take responsibility for his own behaviour. The authoritarian personality thinks that life is a power system into which he must fit. He does not have to wield the power himself so long as he can be near power, sharing it vicariously. Such a tendency makes him an excellent camp-follower. But the democratic personality refuses to surrender his individuality to a so-called great man, although he may submit to rational authority by choice when he believes that such authority is based upon equality, superiority, co-operation and popular accountability. It is not necessary to rely on each of these generalizations but they do point out the important link that exists between personalities and political systems.

In the sphere of social organization, democracy requires the minimum degree of social security which is necessary to eliminate vital discontent from the political plane. Laski's idea that democracy is genuine only when it rests on a socialist framework is not tenable—the welfare activities of modern liberal capitalism are certainly compatible with democracy. Economic security, and not necessarily economic equality, paves the road to coherent social support of democracy and beyond that whatever happens, or whatever one would like to happen, are matters that have no necessary relation to the social background required for the success of democracy. Certain institutional conditions, in the form of fundamental rights, the checking of legislative or executive tyranny through adequate safeguards, a healthy operation of parties and pressure groups and an effective associational life are also important requirements for the effective functioning of democracy.

Democracy and the Developing Areas. When democracy begins its first journey, a rigid insistence on all these requirements may not be possible. For instance, in the under-developed countries one cannot expect to have all these conditions at once. Yet in some developing areas democracy may

initially operate with a large measure of success, though if it is interested in an enduring success, attempts must be made to approximate such conditions as soon as time and situation permit. Character and consensus evolve slowly. Education, experience, economic growth and the rise of an appropriate political culture, given time and opportunity, are capable of intensifying the democratic character of the political systems in the developed as well as the developing areas. It is a mistake to suppose that democracy can operate only when all the people are consciously prepared to work for it. That may be a condition for the ideal success of democracy. For the initial operation something less might meet the purpose. The slow evolution of democracy in the West and its equally slow break from the aristocracy have something significant to suggest. The rise of the new élite interested in establishing democracy is more important than the rise of the masses immediately--the latter invariably takes more time. The democratic élite in the developing areas, of course, has a more difficult task to perform: it has to build a consensus, to lead economic development and to initiate the new political culture. A difficult task, however, should not be confused with an impossible one.

Debate on Democracy. The idea of democracy has been a subject of great controversy among the political philosophers. In defending and criticizing democracy various philosophical positions have been used. Without going into the intricate philosophical foundations, it may be useful to discuss some of the more interesting points of this great debate. Here it is important to remember that political philosophers have used the term 'democracy' in various meanings. Often what the defender is defending is not the same as what a critic is criticizing. Each side has apparently utilized the word in the way which best suits its purpose.

The Defenders. The defenders of democracy have argued that democracy offers the greatest possible opportunity to the common people. It is a system of shared values, as John Dewey observed. The Benthamite principle of the greatest good of the greatest number finds an apt expression in such a view of democracy. But many political philosophers following Bentham have sought to modify the principle enunciated by him.

For, in its pure form, it may lead to a system of majority tyranny. The modified view advocates democracy on the ground that a harmony between the majority and the minority is possible only in a democratic system. Democracy meets the problem of the usurpation of power by establishing a political system that is founded on consent—not, to be sure, a universal consent, but that general consent that derives from a broad agreement on the fundamentals of the political and social order.

The assumption of harmony does not rule out the possibility of conflict within the democratic body politic, but it is to the credit of democracy that under this system conflicts can be solved peacefully. The voluntary adjustment of disputes achieved through a peaceful manner is facilitated by the fact that democracy relies on a unique compromise function. Electoral contest, political debate, opposition politics, free advocacy of all criticisms—all these are obvious democratic channels for expressing the voices of dissent. And when persuasion performs the task well, there is no need to resort to coercion. The minimum use of the coercive apparatus in a democracy is possible because it provides other means of solving the disputes before the latter reach an extreme point.

As the disputes in a democracy get settled through peaceful means, no severe crisis in the legitimacy of democracy is expected to follow. In such a case political changes can be initiated through changing the policies and the personnel of the government in question. Democracy thus has an unusual capacity for inviting revolution by consent which makes it unnecessary for persons of even extreme political affiliation to advocate revolution. They might do so in a conspiratorial spell of intoxication but the masses would not usually pay heed to their exhortations. The appeals of communism, for example, tend to be minimal when democracy operates at the maximum level of efficiency. Sudden and catastrophic changes take place mostly in those states where the governmental structure does not allow normal democratic political operations.

Due to the irrelevance of revolutionary or conspiratorial changes it is possible for a democratic system to enjoy an orderly succession of rulers. As H. B. Mayo points out, democracy is pre-eminently an answer to the question which no

alternative system can answer convincingly in the modern climate of opinion: how to find and change the rulers peaceably and legitimately. This gives the whole system a supreme anchorage in stability. And in a stable political system the rulers are not haunted by anxiety; they have less distrust for the people. Such a system of trust allows the rulers to be more liberal in their policies and approaches.

Denial of freedom usually springs from a distrustful relation prevailing between the government and the governed. However, democracy being rooted in the consent of the governed has no reason to fear the granting of an elaborate system of rights and freedom. Political equality animates the democratic faith, and when equal rights are tolerated, there is no reason why equal freedoms should not be granted. As a consequence of freedom diverse schools of thought can compete freely. A hundred flowers of thought are allowed to bloom in a democracy not by a convenient concession of a dictator's strategy; democracy itself happens to be a theory of a hundred flowers—here alone the flowers are not liable to be classified as weeds if their fragrance fails to fascinate the ruling class.

Science, art, literature and all other free pursuits are unhindered by any irrational bondage in a democratic system of government. The democratic politicians do not transgress the frontier of intellectual privacy. Artists do not parade in a state uniform in a democracy—they have every freedom to express their ideas. As A. D. Lindsay points out, to try to force people to embrace something that is believed to be good and glorious but which they do not actually want, even though they may be expected to like it when they experience its results, is the very hall-mark of anti-democratic belief.

Although a philosophical defence of democracy is usually loaded with value-judgment, in a way it may be said that, being closest to the scientific method, the democratic way of politics is the most scientific one. In a democracy there is a rational attitude of welcoming criticism. In a democracy almost everyone seems to say, I may be wrong and you may be right, and by an effort, we may get nearer to the truth. This attitude of reasonableness, says Karl Popper, is very similar to the scientific attitude, to the belief that in the search for truth we need co-operation, and that, with the help of argu-

ment, we can in time attain something like objectivity.

Maximum prosperity, it has been argued, can be promoted by democracy. Given a system of political democracy, the people can choose a liberal economic order or they may prefer to have a democratically planned economy. In the developing areas, as the Indian experiment shows, planned growth can be followed on the basis of peoples' consent. Such planning, without instituting a new oligarchy, may provide the necessary regulation combined with the fundamental freedoms of man. A planned policy of developing the resources, full employment, extensive social security arrangements, the means of securing expansion, breaking bottle-necks, encouraging vital investment and promoting a rising standard of living—all these can be promoted within a democratic framework.

Democracy, then, seeks to unfold the best possibilities of the human personality. Psychologically, it prepares the ground for the development of an integrated personality free from maladjustment and alienation and, therefore, capable of sustaining the foundations of a sane social architecture. Morally, says Reinhold Neibuhr, man's capacity for justice makes democracy possible and man's inclination to injustice makes democracy necessary. Moral man, according to John Middleton Murry, obeys the law, not as an external command, but as the expression of his own better self, which wills to act in obedience to a law which its reason recognizes to be necessary. Freedom, universal obligation and responsibility, promote an ideal type of personality and since all these are possible in a democracy, the latter may be treated as the best procedure of government.

Many of these justifications of democracy refer to the ideal vision of democracy's abilities. In practice, the working of democracy, naturally, may not conform to the above vision. Again one may like democracy for some of the above ideal attributes and it is not necessary that one should agree to all of them. The subjective element implicit in these justifications is also obvious. Perhaps considerations of forms of government and especially of their functional necessities are always likely to incorporate some sort of subjective judgments—these are largely inescapable.

The Critics' Case. Democracy has been attacked from many different quarters. Most of these attacks follow a simple

pattern. First of all, the critics formulate an extreme, if not absurd, case for democracy according to their own convenience and temperament. Then they set out to attack these cases with all possible vehemence. The aristocratic critics of democracy point out that democracy means mob-rule. The mob is constituted of the ignorant masses. Democracy, therefore, means the rule of ignorance, inefficiency, corruption, unreason, crowd-emotion, mob-tyranny over the efficient and cultured élite and all that. The pattern of such criticisms is hardly convincing. For, no one really claimed, at least not the democrats of our day, that the ignorant masses should rule directly in a democracy. Even in an underdeveloped country, democracy recruits successfully the services of an enlightened and responsible élite to formulate and execute the basic policy decisions.

The Marxist attack on democracy is more important. Democracy, according to the Marxists, rests on the foundation of class-domination. The ruling classes use the outer screen of democratic pretensions only to perpetuate an exploitative social and economic system. Such democracy establishes a system of privilege for the capitalists. The discipline of capitalist democracy, observes Laski, is in decay because the principle of capitalism cannot be squared with the principle of democracy. The authority of those who possess political power is limited by the will of those who own the instruments of production. Herein lies the root of the crisis in democracy. The Marxist application of class analysis to the democratic process evidently forgets—perhaps consciously ignores—the formal possibility of the democratic mechanism which may be equally consistent with either liberalism or socialism. By identifying democracy with capitalism it attempts to score a point that is more polemical than logical.

According to Pareto no association can do without a dominant class, but the dominant classes undergo rapid decay. At first they become enervated; then they experience a process of dissolution; finally they morally and physically succumb and yield the field to a new dominant class that arises from the people. The people, Michels declares, 'as a collectivity never can democratically govern itself, but the rulers themselves change continually.' The idea of the intrinsic im-

possibility of popular rule cannot, however, be equated with that of the similar impossibility of democracy. For, as we have seen above, democracy is not the same thing as popular rule—it implies rather a rule by the experts who command the confidence of the periodically chosen representatives of the people. The élite may very well acquire a popular basis and democracy never denies the role of the new élite—it only demands an accountability and a sense of responsibility to the people. Democracy favours the growing number of élite groups, and an attitude of shared power upheld by the new élite. It destroys the exclusiveness of the élite and changes its principle of selection and internal composition. A democratization of the élite processes requiring a high degree of social mobility seems to offer opportunities on the widest possible scale without destroying the necessary element of competence and efficiency.

The older prophets of despair, arguing from obsolete psychological premise or doubtful biology, anthropology or sociology, have either asserted the undesirability of democracy or its impossibility or both. Almost all of them were fascinated by the capabilities of the exclusive élite—a phenomenon that is bound to break down with greater social mobility, and mass ascendancy, and lesser stratification. Such theories should not be confused with the recent investigations about the operations of the power-élite, the organization-man, the authoritarian personality or the lonely crowd. The recent critics mostly point out the possible or existing gaps in the democratic experiments of our day. There is always a welcome note of cheerful pessimism in their works—a feature that possibly warns the democrats in a friendly manner. Friendly warnings may be treated as tributes rather than oppositions to democracy.

Authoritarianism. Autocracy, despotism, dictatorship and totalitarianism, are some of the variations on the theme of authoritarianism. Despotism is autocratic, but all autocrats do not behave in a despotic way all the time. Dictatorship, similarly, is largely based on a despotic practice, but all dictatorial attempts are not necessarily despotic. Modern dictatorship in some cases—certainly not in all—utilizes a totalitarian mode of politics. Dictatorship and totalitarianism are found to be close associates in contemporary political practice, but

they cannot be necessarily equated. The term 'dictator' is derived from classical Rome, but the type of ruler which it denotes was perhaps invented by the Greeks. The feverish life of the city-states of classical Greece threw up the Tyrannos as a recurring phenomenon and, as G. P. Gooch points out, in many cases he was not so much a 'tyrant' in the modern sense of the word as a real or presumed superman, who seized power in an emergency and was tolerated or even welcomed by his fellow-citizens. He was always regarded as a transitional ruler. The Roman dictatorship was a magistracy, clearly defined in authorization, scope and duration, and it should not be confused with a system in which power is arrogated by an individual or a group with an undefined scope and duration.

Autocracy implies a government whose power is independent of the consent of the governed. The element of autocracy can be found in the dynastic régimes and it can also be discovered in the dictatorial and the totalitarian processes. However, dynastic autocracy bears no direct relation to dictatorship, the essence of which is personal or group pre-eminence, not legal title or princely birth. An autocrat or a dictator can choose to exercise power in a despotic way or they may prefer to pursue a more enlightened way of abandoning—at least provisionally—the direct use of despotic means. As Alfred Cobban maintains, the theory of benevolent despotism was intimately connected with the idea of natural law, and although the idea might be diverted to authoritarian ends, it could not completely deny its own nature. Which means that while acting as the voice of universal law, a despot may not act as a despot—he then behaves as an autocrat but does not rule in a despotic or a tyrannical way. Similarly, a dictator enjoying wide popular support and national enthusiasm may not always have to use despotic means. But the general tendency of the autocracies and dictatorships may be said to be one that favours despotic means.

Types of Dictatorship. When a dictator exercises his power through the coercive means only, we have an example of a *crude dictatorship*. Such a form usually appears in social situations which are singularly lacking in political consciousness and where cliques and conspiracies have a dominating

political role to play. The second form of dictatorship may be termed as *Caesaristic dictatorship*. Here a new element enters: the need for popular support. Cromwell, Napoleon I, Louis Napoleon, are some of the great Caesaristic figures in the history of dictatorship. Some of the modern dictators in Asia and Africa can be said to oscillate between the crude and the Caesaristic types. But it should be remembered that in either case the scope of dictatorship mainly remains confined to the political sphere—here dictatorship does not mean the control of all social life. Under the third form of dictatorship, i.e., *totalitarian dictatorship*, society ceases to be distinguished from the state; it is totally controlled by the dictator's power. The existing dictatorships of the U.S.S.R. and China, for example, are totalitarian dictatorships.

Modern Dictatorships. Dictatorship has been defined as the government of one man, who has not primarily obtained his position by inheritance, but by either force or consent and normally by a combination of both. According to this definition all power is supposed to emanate from the dictator's will and the scope and duration of power is dependent on the capacity of the dictator. Government in such dictatorship is carried on by decrees rather than by law and the dictator himself is not responsible to any other authority. This seems to be an absolute exercise of authority, but, in fact, such a concept of dictatorship is quite limited in its approach in comparison with its *totalitarian* counterpart. The most important modern dictatorships from the Fascist experiment in Italy down to contemporary Communist régimes would show how dictatorship, by transforming itself into totalitarianism, gives rise to the most comprehensive absolute pattern of rule.

Totalitarianism, unlike ordinary dictatorships, has a mystique to support it. The totalitarian mystique is founded on a historicist doctrine. Historicism refers to the doctrine, as Karl Popper puts it, that history is controlled by specific historical or evolutionary laws whose discovery would enable us to prophesy the destiny of man. Historicism can be illustrated by one of its simplest forms—the theory of the chosen people. This theory assumes that God has chosen a set of people to function as selected instruments of His will and that these chosen few will always inherit the earth. Modern historicist

doctrines illustrated by the historical philosophy of racialism or fascism on the *Right* flank and the Communist historical philosophy of inevitable triumph on the *Left* reveal a more elaborate concern for sophisticated philosophical justification and are obviously cast in a more rigid mould.

The political philosophy of totalitarianism, however, begins, according to Russell and Popper, in the exhortations of Plato. As depicted by them, Plato's political philosophy recognizes one ultimate standard, the interest of the state. Morality in Plato becomes a matter of political hygiene. Plato's demand for the unchallenged domination of one class over the rest was uncompromising, but his ideal was not the maximum exploitation of the working classes by the upper class; it was the stability of the whole. In Hegel, the political philosophy of totalitarianism acquires a more rigid character. No other philosophical system, declares Ernst Cassirer, has done so much for the preparation of Fascist totalitarianism as Hegel's doctrine of the state—this 'divine idea as it exists on earth'. If Plato and Hegel provided the philosophical foundations of *Right* totalitarianism, it was Marx who did the same for *Left* totalitarianism. His determinism and ideological mystique, conferring a 'Messianic' role on the proletariat, prepared the ground for the totalitarianism of the new élite as presented by the Lenin-Stalin modification of his theories. In general, political Messianism, based upon the assumption of a sole and exclusive truth of politics, postulating a pre-ordained, harmonious and perfect scheme of things, to which men are irresistibly driven, and at which they are bound to arrive, has been one of the grave consequences of the above philosophical theories.

Totalitarian Messianist approaches are usually wrapped in an ideological cover. The ideology lends an impersonal air to the exercise of power and to the scheme of total terror designed by the ruling leadership under totalitarianism. Common sense is replaced by an ideological super-sense. What totalitarian ideologies aim at is the elimination of all unpredictabilities which spring from the fact that men are creative.

The concentration camps of total terror of the totalitarians aim at the transformation of human nature in order that it may suit the tailored politics of the ruling dictators; these camps are the laboratories where changes in human nature are

tested. The contempt for human dignity is one of the basic features of totalitarianism. The barbaric extermination of the Jews by the Nazi régime of Hitler and the systematic liquidation of the alleged opponents of the Soviet régime by Stalin and his successors bear testimony to the fact that periodic campaigns of liquidation are essential features of all totalitarian dictatorships.

In all these campaigns the totalitarians utilize a monolithic party system that is unique in human history. *The party of the rulers is the only party; it dictates all the basic policies, watches over the administration, sells the ruling ideology to the people, engages in a massive propaganda campaign, un-*animously—in the communist forms at least—supports all the acts and the reversals of the previous acts of the great leader and recruits popular support by continuously campaigning amidst the people and educating them in the ‘proper’ way of life. *The party is the great instrument for mobilization, recruitment, communication and justification in favour of the dictator’s cause. Its charismatic leaders can do no wrong. It is the embodiment of the light of history.*

No sphere of life can remain outside the scope of the totalitarian ruler. The economy is carefully planned—the basic purpose of this planning being the strengthening of the state. Society becomes equated with the state. The scientists are encouraged more than any other intellectuals because technological gain offers great scope for strengthening the state and earns a propaganda value at the same time. If the masses are demanding more earthly freedom, a space conquest move can keep them quieter. Art, literature, music, sports—nothing in fact escapes the purposeful planning of the dictators.

Force, naturally, becomes an object of extreme glorification. Internally it acts as a massive threat against the potential sources of challenge and externally it acts as a bond of solidarity. If the dictator can show to his nation and to outsiders that he has a command over spectacular force, this is a ‘convincing’ proof, that his arguments are really strong. The voices of freedom are silenced completely for in a dictatorship there is no scope for a plurality of ideas. The dictator himself declares with all solemnity that the people do not need any opposition. Elections may be held, a parliamentary form may

be maintained, constitutional covers may be adopted, but these are mostly expected to act under the inflexible orders of the dictator. Fundamental rights may be granted, but they will always mean the right to agree with the dictates of the ruler. Education is used as an instrument to mould the people to the dictator's pattern. Communication with the liberal societies is not encouraged. In all respects the totalitarian dictators attempt to build a society that is the basic anti-thesis of the open type of democratic system.

Military Dictatorships. A less comprehensive design of dictatorship is represented by military dictatorships arising mainly in the underdeveloped countries. The dangerous accumulation of armed power in the single source of the military élite and the problem of civilian control over armed establishments in the modern states have raised a grave problem. The magnitude of this problem is undeniably less in the strong democracies. Wherever the normal political order has failed, the case for a usurpation of power by a strong determined group becomes obvious. In the underdeveloped countries the failure of the ruling group to maintain order does not always produce another alternative group capable of maintaining the needed order. The lack of a conscious popular feeling and the want of articulate political organizations may thus offer an excellent ground for the armed prophets—the army leaders, backed up by a concentrated coercive force sufficient to suppress the forces of disorder, who now pose as the new saviours. The rise of military dictatorship in a number of underdeveloped countries has, however, shown that this form is usually interested in political dictatorship only. In most cases the army leaders are not interested in elaborate Messianic philosophies. Their pragmatic capability of solving a situation of crisis is greater than their ability to invent a positive social system of an enduring character. Usually they do not insist on totalitarian control and they may not always succeed in winning a charismatic quality in their leadership—a feature that is so necessary for the modern totalitarians. Military dictatorships—so frequent in Latin America and the Middle East—are not, however, always simply transitional phenomena. Despite difficulty, they sometimes try to invent a pseudo-ideology and may seek an enduring support from the

people by taking a keen interest in the social and political purposes of the people. They may also try to reconstruct the legal structure by establishing some formal institutions. Some military dictators openly proclaim their transitional role and express their intention only to set the political house in order so that democracy may subsequently function. The most striking experiment of a temporary *delegated* dictatorship was seen in the politics of Burma when General Ne Win suppressed democracy for a temporary period in order to build up the necessary basis for a successful democracy. The Burmese transition may be treated, after all as an exception rather than a rule—a sort of interlude that may or may not be followed by an end to dictatorship. The recent revival of dictatorship in Burma indicates the dangers of such delegation of authority.

Democracy, Emergency and Dictatorship. Constitutional dictatorship may arise in a crisis situation in the democratic systems when the leaders of a particular democracy may have to utilize dictatorial principles for a limited period of time. According to Clinton Rossiter, constitutional dictatorship is a rag-bag phrase, and into it can be tossed all sorts of different institutions and procedures of emergency government. The exact nature of the institutions and of the procedures of such expediency dictatorship would, naturally, vary with the different contexts and necessities. Emergency action in a democracy may be of two types: the crisis of rebellion may be dealt with primarily in an executive fashion and may call for the services of some sort of temporary military authority and dictation, and the crisis of economic emergency which may be dealt with essentially through emergency laws calling for law-making by the executive branch of the government. The executive and the legislative actions may be supposed to be either exclusive or complementary—the latter being more commonly needed by the logic of the crisis situations. Executive action usually invokes martial rule which implies an emergency extension of military authority to the civilian population. In the common law countries the form of martial rule to be adopted is known as *martial law*—roughly the same as what is known as *state of siege* in the Continental and the Latin-American systems.

Democratic constitutionalism cannot be a silent spectator

when the forces of disorder openly try to destroy it. A system of legislative delegation of special power to the executive is thus an obvious necessity. The important condition for the exercise of emergency powers is that the objective be legitimate, that is to say, that the concentration of powers be employed for defending the constitutional order, and not for destroying it. In India, the constitution provides for elaborate emergency provisions by which, in times of crisis, the constitutional order can be maintained. The Indian practice so far has shown the utility of these provisions for preserving democracy. However, these provisions together with similar systems in other countries do warn a democrat about the possibility of their being exploited for undemocratic purposes by politicians who may not have the required regard for democracy. These warnings are appropriate, since it is important to know who delegates the emergency power to whom and how the determination of emergency is undertaken. The question of a time limit for exercising the emergency powers is also important. Emergency dictatorial powers are difficult to handle. They involve many delicate questions. In an extreme emergency when the authority has amassed an almost absolute power, it may venture to exploit this situational gap. This is possible, though the possibility is remote in a political system that has a democratic maturity. One can never be certain about the exact behaviour of the emergency leadership and this uncertainty is a natural product of the threatening situation in an emergency. What is more important, is the fact that dictatorial instruments may be validly employed by a democracy to preserve its constitutional structure and fundamental order. In doing so democracy does not necessarily surrender to dictatorship—it only asserts its own basic right to live, animated at the same time by a positive concern for the survival of the people and the government of their choice.

Ideology, Democracy and Authoritarianism. As forms of government, the democratic and the authoritarian mechanisms can be said to be compatible with diverse ideological necessities. Democracy may serve the cause of a liberal, a welfarist or a socialist ideal or ideology. Some thinkers, however, have gone too far in asserting that there may be a totalitarian version of democracy as well. J. L. Talmon, for in-

stance, believes that the democrats are divided basically into the liberal and the totalitarian schools—the latter, according to him, treats all human thought and action as having social significance, and therefore as falling within the orbit of political action. For such alleged democrats, politics is defined as the art of applying an all-embracing philosophy to the organization of society, and the final purpose of politics is only achieved when this philosophy supremely dominates over all fields of life. Such a view of democracy is said to uphold the faith that popular sovereignty would lead to complete social, political and economic equality. The salvationist promise of political Messianism is supposed to be the inspiring element behind totalitarian democracy. This is a new way of stating an old attack against the majority principle and the common people's exaggerated exaltation of social salvationism. But when the Messianic minority drags the majority with it by social appeal and acts in a way that defies all democratic liberties, how can it still be called a democratic effort? Merely to gain popular approval is not a sufficient condition of democracy and we have already seen that many dictatorships may also pretend to be based on popular approval. Talmon and others, indeed, have twisted the term democracy to prove their propositions and in doing so have missed the point. Terminological twists of this type only confuse democracy with popularly supported dictatorship. As we have already seen, democracy implies an elaborate mechanism of rational political arrangement consistent with the principle of consent and the corresponding rules of the game. Granting these as the basis of democracy, there is hardly any possibility of its totalitarian transformation—it may be compatible only in the case of an emergency-defined purpose and that too for a limited period of time, when democracy struggles for its own life.

Authoritarianism, as our discussion has already indicated, may be conservative or revolutionary in its ideological orientation. The Nazi experiment in Germany and the Fascist experiment in Italy revealed the possibility of a totalitarian extension of the politics of the *Right*, just as the proletarian dictatorships and the other communist experiments have shown how authoritarianism can serve the politics of the *Left*. Conservatism, communism and the politics of expediency-ideals

without any ideological colour, may be equally compatible with authoritarian forms of government. Ideologies or ideals should, then, be separated from political instruments and forms of government. Different combinations between them may be possible, leading to the emergence of various types of political systems. For the sake of proper understanding and clarity, political science requires the analytical separation of the political forms from their social or ideological substance. To the extent we failed to do so, our comprehension of the basic problems of politics would remain incomplete.

Chapter XI

CHARACTER AND KINDS OF CONSTITUTIONS

Definition. The constitution is the fundamental law of a state. It lays down the basic rules according to which the state is governmentally organized. It provides, for instance, for the fundamental rights of citizens which no governmental authority is to invade and which the courts of law are to protect. It states the relationship between the executive and the legislature. It tells us which powers are assigned to the legislature and which to the executive. It determines the status of the courts of law and the procedure for appointing and dismissing the judges. This constitution may be very detailed as is the constitution of India or it may be very short and confined only to general principles as in the case of the constitution of the U.S.A.

Written and Unwritten. The chief merit of having a constitution is to be certain as to how we are governed. It makes the system of government steady over a period. There is, for instance, no uncertainty in our mind as to how the President of India is to be elected and at what intervals he is to be elected. We know again that when the executive government appoints someone permanently in an administrative service without the relevant public service commission being consulted, the constitution is being violated. This does not mean that in every instance the constitution is wholly written. At the present time written constitution is the rule, but in the United Kingdom the constitution consists also of unwritten conventions and practices. There was a time when the unwritten portion was larger and the written portion smaller in the constitution of that country. But as a result of the Parliament Acts, passed in 1911 and 1949, and the Ministers of the Crown Act in 1937, the written portion has become more prominent, but even so some basic matters are still determined not by constitutional law but by constitutional practice. The whole process of forming a cabinet, for instance, is determined by convention. The relationship between the executive and

the legislature is also similarly determined. That again the King does not veto a bill passed by the two houses of Parliament is also a matter of convention. Under the eyes of law he has still that authority.

But just as in a predominantly unwritten constitution there may be parts which are written, so in a written constitution also there may be important matters determined by convention and practice. The constitution of India is written, but the President's relations with the Council of Ministers is determined by conventions imported originally from the United Kingdom. In fact, all constitutions today are more or less of a mixed character. We have just referred to the Indian constitution which, though written, is being worked in some particulars according to well-known conventions. In the United States, similarly, the constitution is written, but there also some provisions of the constitution are being worked on the basis of conventions. The President, for instance, was to be elected by an elected college of electors and this by exercising its own discretion. But though the form of election by this college is still maintained, in reality the election of the President is determined by the popular voters and not by the members of the electoral college. The President's Cabinet is again another development by convention. In any event distinction is still maintained between the constitutions which are written and those which are unwritten. A constitution whose major portion may be written but some of whose important features are determined by convention is still characterized as unwritten. The example is obviously provided by the constitution of the United Kingdom. The constitutions of India and the U.S.A. are written documents, but one or two features of their working may be governed by conventions. In spite of these, however, these constitutions are placed in the category of written constitutions. •

Flexible and Rigid. Constitutions have again been classified as flexible and rigid. This classification was first made by James (later Lord) Bryce in 1884 when he delivered two lectures on the subject, entitled *Flexible and Rigid Constitutions*. The terms used were coined by him. But they were so apposite as to have found since then a rightful place in the vocabulary of all literature on constitutions. Flexible constitu-

tions are those that grow with the time and are changeable without difficulty. They can be changed in the first instance very imperceptibly and even unconsciously by the gradual incorporation in constitutional practice of new changes and developments made necessary by the change in circumstances and needs of the country. Flexible constitutions can be changed again consciously but without much fuss by the ordinary legislature in the same way as an ordinary law is changed. The example is to be found in the British system. Not only much in this system which is accepted as part of the constitution of the country has come about by slow, gradual and almost imperceptible development in practice, but even when it has been consciously amended and changed, the alteration has been made by Parliament in the same way as it would change an ordinary law, like the Factory Act. One instance may be given in this regard. When the Parliament Act of 1911 was passed, changing the legal relations between the House of Commons and the House of Lords, it was a basic constitutional amendment but it was adopted by Parliament using the same procedure which it would adopt and follow in respect of changing a most insignificant municipal law. No special procedure was necessary and no particular majority in either House (say, two-thirds majority) was called for. The King in Parliament is the legal sovereign of the country and it can change any law, however fundamental it may be, at any time according to its own normal procedure. It may, of course, be demanded that when a bill for constitutional amendment is introduced, it must be based on a previously obtained mandate of the electorate. But it should not be forgotten in this connection that even in case of an ordinary bill of a controversial character, the same mandate is asked for.

Opposite to this flexible constitution is the rigid constitution which is not only written and available, as a rule, in one or more convenient documents but can be changed only in accordance with a difficult procedure. It is not subject to alteration according to the passing moods of the regular legislative body. Even if the ordinary legislature is empowered to amend and alter it, it can do so only according to a procedure more difficult than it is required to adopt in changing an ordinary law. Under the third republic in France the ordinary

legislature was given the authority to change the constitution but it could do it only when the two houses of the legislature met together as the National Assembly. Usually for the amendment of a rigid constitution a still more difficult procedure is adopted. In the United States of America, for instance, it is neither for Congress (which is the federal legislature) nor for the state legislatures to adopt an amendment to the constitution by themselves. Two-thirds of each house of Congress must, in the first instance, ask for an amendment and this proposal must have the assent of three-fourths of the state legislatures. This is one of the methods by which the constitution, which is the fundamental law of the country and to the authority of which all other laws are duly subject, may be amended.

In India the constitutional procedure adopted for amendment of the constitution is equally difficult. In respect of many features of the constitution the right to amend them has been vested in Parliament alone. But the amendment must have the assent not only of an absolute majority of the total membership in each house but must have such assent of at least two-thirds of those members present and voting. In other matters, e.g., the distribution of powers between the Union and the States, the amendment must further have the assent of a majority of the state legislatures.

A rigid constitution, when framed, is drawn up and adopted after due deliberation and appropriate consideration. It is not thought desirable that it should be amended at the slightest provocation or because of a sudden change in the opinion of a transient majority in the legislature. Because of the change in circumstances a need for constitutional amendment may arise. But a watch is kept for some time to see whether the need is real and of a permanent character. If it is so deemed, amendment is made, otherwise the demand may be ignored. This is the main reason why the procedure for amending a rigid constitution is made difficult and complicated. Another reason in this regard is that the constitution as the fundamental law of the country, should command due respect and reverence of the people of the country. But if it is subject to change every time according as the wind blows from a different quarter, the document will be unreliable and will command less and less respect on that account. It is intended

to be a permanent document which should gradually strike root in the loyalty of the people.

The advantages of the rigid constitution are the disadvantages of the flexible constitution and *vice versa*. A flexible constitution is an uncertain body of basic laws. Its provisions may change along with the change of time and according to the wind of opinion that blows in the country. People consequently could not be certain as to what is their permanent constitutional law and what is only operative for the time being. In the midst of this uncertainty it is not possible for the people to become very reverential towards the constitution. It is true that the English people have almost the same respect for their constitutional system as the people of the United States of America cherish for theirs. In Britain the constitution is not embodied in any single document as is the constitution of the United States. To the people of the United States the document is sacrosanct and any deviation from it will rouse their opposition. In Britain it is not any particular document but the system as it has been worked in the country which commands not only the confidence but also a kind of silent loyalty which outsiders may not notice but which the people feel in their innermost mind. So the flexible constitution, as operated in Britain, may also command the loyalty of the people. But here a word of caution should be uttered. In the United Kingdom the constitution has evolved through the centuries. It has not only provided the people with a stable and highly successful governmental system but it has also won great and lasting reputation for them abroad. But anywhere else without the long traditions of the English people, this system is unlikely to succeed. It will make for an unstable governmental system and may, instead of commanding the loyalty of the people, become only a plaything in their hands.

It should not, however, be denied that flexible constitutions have one advantage which the rigid constitutions happen to lack. The former may grow with the time. As circumstances change in a country the flexible character of the constitution will play its part. It will adjust itself to the changing social and political climate of the country. In a rigid constitution even when the time for an amendment has definitely arrived, such an amendment may be difficult, if not impossible, to

adopt. In such circumstances there is the risk that as the constitution cannot be bent, it has to be broken. But when all factors are duly considered, it is easy to come to the conclusion that in a new democracy like India, with its problems and dilemmas, a written rigid constitution is the most suitable. A flexible constitution would make it impossible for the government to follow any uniform policy towards any important question for any length of time. The government would become as fickle as the constitution.

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Chapter XII

THE PRINCIPLE OF SEPARATION OF POWERS AND ITS OPERATION

IN this chapter one of the basic principles underlying the governmental organization of a democratic country is discussed. Government is usually described as the organ of a state. But whatever its basic character may be, the fact remains that most often the government means the state. People identify the state with the men who run its governmental machinery. They cannot think of the state apart from the government and the functionaries who carry out its responsibilities. So its organization has an importance of its own.

A government has through the centuries exercised its responsibilities in three spheres—(i) legislative, (ii) administrative and (iii) judicial. It has to lay down the laws and determine the policy according to which the people are to be governed and their affairs conducted. Once the law has been made and the general policy formulated, it has to execute the laws and implement the policy. It has again to adjudicate disputes as they arise between individuals and between individuals and the government. These are the three main divisions of government. It is, of course, true that divisions are not as clear-cut and as obvious as they are described to be. Not only does one division shade into the other but now and again opinion has been expressed that the division is not even broadly correct. It may be argued, for instance, that judicial duties are not separate from but part of executive responsibilities. It may again be pointed out that what is broadly termed executive really consists of two divisions, namely, executive and administrative. But irrespective of these objections it should be emphasized that the three divisions referred to above have been recognized for a very long time, and we may proceed in the following paragraphs to discuss the relationship which is to be maintained and which is actually maintained between them.

Montesquieu. That the three functions should be in separate hands and exercised separately and independently of

each other was recognized, however vaguely, long before Montesquieu. But it was enunciated with a new emphasis as an instrument of liberty and good government in the middle of the 18th century by this French publicist in his book, *The Spirit of Laws*. He drew his inspiration in this regard from what he thought to be British practice. There is no gainsaying the fact that at the time Montesquieu was developing his thesis, the British government, though largely of an oligarchical character, was adjudged as the most progressive in Europe. It provided far more liberty than people in other countries could then conceive of. This liberty was ensured by what Montesquieu regarded as the separation of powers. Legislative powers were vested in the Parliament, the execution of laws was vested in the King and the adjudication of disputes was the responsibility of the courts of law. It was taken for granted that as each of these authorities was independent of the other two, there could be no encroachment of one authority upon the jurisdiction of another. If this was the secret of good and progressive government in England and the liberty which her people enjoyed, it was apposite that this system should be emphasized and commended to other countries. Before, however, we proceed further to analyse what Montesquieu wrote, it is necessary and important to see how this separation of powers figured in British practice and British thought.

Before the Glorious Revolution of 1688 the lines of demarcation between the three functions of government were not only not clear-cut but rather blurred. It was not yet finally established that all legislative power was vested in Parliament. In fact, one of the reasons for the 'revolution' was the exercise of suspending and dispensing power by the Crown. In regard to the administration of justice again it was true that the dispensing of justice by executive commissions was practically done away with. But the judges who presided over the regular courts of law were still 'lions under the throne'. In fact, the conditions of service of the judges were not such even for a period after the revolution as to ensure full independence of the bench. Actually it was not till the Act of Settlement was passed by Parliament about a decade and a half after the revolution that this independence was fully ensured. It is true that the revolution of 1688 created a new atmosphere in which there was not

much scope for subserviency. But even then the legal position had to be strengthened.

Locke. In view of the conditions which led to the expulsion of the Stuarts and the installation of William and Mary on the British Throne and in view of the new relationship, established by the revolution, between the different factors of government it could be expected that John Locke, the philosopher of the revolution, would write about it in the way he did, though all his observations are not clear. In the governmental organization of the state he observed three powers—(i) legislative, (ii) executive including judicial and (iii) federative. It should be noted that judicial function was not recognized by him as distinct from and independent of executive responsibility; he was still steeped in the older tradition of Britain. By the federative function he actually meant the conduct of foreign affairs (federative arising out of *faedera* or treaties). Why he emphasized the idea that the conduct of foreign affairs was separate from the exercise of general executive power is not exactly intelligible to us. This emphasis has had no significance in later British constitutional development and may be ignored. With regard to the relationship between the executive and the legislature he appreciated that the former must be always in operation while the legislature would meet only at intervals. In view of this the two functions could not be combined. Besides, there might be another reason why they should be separate. ‘...it may be too great a temptation to human frailty, apt to grasp at power, for the same persons who have the power of making laws to have also in their hands the power to execute them’. Here in anticipating Montesquieu, Locke thus appreciated the principle of separation of powers but only on a very limited basis.

Later development in British practice was on lines rather different from those thought out by Locke. He had taken his stand on the situation created by the Glorious Revolution, but while the spirit of the revolution never ceased to be active, the lines of development diverged as much as political conditions made necessary. The Act of Settlement gave the judges such conditions of service as to make them fully independent of the other branches of government. This spirit of independence permeated all conduct of judicial business in spite of the fact

that in important aspects the judiciary was not theoretically separate either from the legislature or from the executive. To this day these anomalies (referred to later in some detail) continue. But while the judiciary, generally speaking, became separate from and independent of the legislative and executive branches, the relationship between the legislature and the executive gradually changed during Hanoverian rule. What is known today as cabinet government began gradually to take shape. It cannot be said that it took a definite and final shape till after the loss of the American colonies in the last quarter of the 18th century, but it had taken some shape when Montesquieu started collecting his facts and thoughts. The executive (the Cabinet) instead of being separate from and independent of the legislature (Parliament) became part of and responsible to it. Law which was to be made independently by the legislature came to be initiated by the executive and its passage was controlled by it through the Parliamentary majority it commanded.

But Montesquieu ignored these basic changes which were being effected in the British governmental system. He firmly took his stand on the principle that if three powers or even two of them were combined in the hands of the same functionaries, the liberty of the people would be jeopardized. In the case where the legislative and executive powers were combined in the same hands bad laws would be passed in order that they might be executed unjustly and badly and thereby the liberty of individuals would be undermined. Similarly, if the executive and judicial functions were combined in the same people laws might be executed badly and the unscrupulous action of the executive was likely to be upheld by the judiciary. This combination would, in consequence, become a danger to individual liberty. This theory of the separation of powers has held the field of governmental organization for over two hundred years, though its limitations have long been recognized.

Criticism. In fact, the theory of the separation of powers has been criticized, since it was first formulated, by people arguing from different points of view and approach. As pointed out already, this division of the governmental field into three separate compartments has its detractors. They point out, in

the first instance, that judicial and executive powers should not be regarded as two independent divisions of government. They are only different aspects of the same power. One discharges executive responsibility as much in executing laws as in dispensing justice in cases arising out of the administration of a law. Judicial work is fundamentally of an administrative character and administration proper again requires a good deal of judicial discretion. Even in administering justice in civil courts the judges are required to undertake a good deal of work which is of a purely administrative character. Similarly, an administrative officer in discharging his responsibilities as such has to do work which is really of a judicial nature. In modern parlance this is administrative justice. Similarly, in modern times legislative and executive functions also cannot be definitely separated. Even in a country where there is a theoretical separation between the executive and the legislature the executive has to undertake many duties of a legislative character. Laws are often passed by the legislature without details being incorporated in them. These detailed provisions (going by the name of rules or regulations) are made by the executive and they may or may not require further approval of the legislature. In any event what the executive does in this regard is legislative work.

It has also been pointed out that the main governmental powers are not three but more. Executive power should, for instance, be distinguished from administrative responsibility. The executive body has the duty of determining the executive policy of the government and providing higher direction, but it is the responsibility of administrative officers to carry out the policy and act on the directions. In other words an attempt is made to make a distinction between the powers of the higher directory, the political executive, and the powers and responsibilities of the permanent executive, the civil service. This distinction is not as valid as it is made out to be. But this provides one line of criticism against the principle of separation of powers as enunciated by Montesquieu.

The Practice of Different Countries. The practice of different countries has varied in respect of the operation of the principle of separation of powers. In all democratic states some kind of loyalty to the principle has been shown no doubt

in theory but in practice it has been considerably diluted, more in some countries than in others. In the United Kingdom, for instance, the principle of the separation of powers has been completely gone back upon so far as the relations between the executive and the legislature are concerned. It is true that the example of this country had given inspiration to the father of the theory. But even at the time Montesquieu's *Spirit of Laws* was being published, circumstances had so changed as to make legislative and executive separation out of date and even archaic in Britain. But even then the fusion which was being brought about in the relationship between the executive and the legislature in the United Kingdom eluded the notice of observers. Montesquieu was a foreigner, but even Blackstone who wrote his *Commentaries* about a decade and a half later did not perceive that the legislative and executive powers were being fused instead of being separated in England.

United Kingdom. Today in the United Kingdom there is what is called the parliamentary system of government under which the members of the supreme executive, namely, the Cabinet, are not only members of either house of Parliament but are jointly and severally responsible to the House of Commons. The Cabinet is really a committee of Parliament and subject to removal by the representative chamber. In other words there is no separation between those who make laws and those who execute laws. The Cabinet, in fact, makes laws with the consent of the Parliament and their execution is also its responsibility. The two functions have been combined in the same hands. But the fear once entertained by Montesquieu in respect of this fusion has not come true. He said, it may be repeated, that in the case of the combination of executive and legislative functions in the same hands bad laws would be made and they would be badly executed, both to the detriment of individual liberty and the people's welfare. Nobody would say in respect of the United Kingdom that such a contingency has been the result of the fusion of executive and legislative functions.

While in the United Kingdom the fusion of legislative and executive functions has been the keynote to its political organization, in respect of the judiciary it may be said that though in this field also there is some theoretical

fusion and confusion, civil justice proper is in independent hands. The reputation of the civil judiciary for independence and impartiality has been great. The House of Lords is a legislative chamber, part and parcel of the Parliament. It is also the highest judicial body in the country. This may appear as a fusion of powers with a vengeance, but in practice this judicial work of the House of Lords is so organized as to make any exercise of political influence upon judicial decisions out of the question. The highest judicial functionary, namely, the Lord Chancellor, is also a member of the Cabinet and presides over the deliberations of the House of Lords. In other words, although he is a judge he is also a member of the executive and a legislator. Such a combination of functions is ordinarily incongruous and deleterious to the proper maintenance of liberty. But such has been the tradition of the country as not to make this incongruity harmful to the interests of individual liberty and the independence of the bench. As in the case of the highest rungs so in the case of the lowest rung of the judicial ladder also there is some fusion. In the rural areas the justices of the peace are not only required to dispense justice but have a hand also in the maintenance of the police. The control over the police is vested in a joint committee consisting of an equal number of members of the county council and justices of the peace. In this field also there has not been any rumour that because of this fusion there has been any miscarriage of justice.

Subject to these cases of combination of functions in the same hands, the civil judiciary is not only a body separate from the executive and the legislative authorities but also enjoys a great reputation for independence. All judges are appointed by the executive. This has indeed been taken exception to. The late Professor Laski, for instance, wanted the judges to continue to be appointed by the executive no doubt but wanted them to be so appointed on the recommendation of a panel of sitting judges. If judges are appointed by a large legislative body or elected by a large body of voters, people without judicial balance and without proper qualifications might be appointed. Any one of these arrangements should consequently be ruled out. But at the same time the executive should not have a free hand in matters of choice. It should be guided by the

advice of a properly chosen panel of judges. This suggestion has not been accepted and to this day the judges are appointed on the responsibility of the executive, and, as a rule, the selection has been correct and apposite.

The judges have again an excellent security of tenure. They are not appointed for a short term but on a permanent basis. Those who are in the higher rungs are appointed during good behaviour and cannot be removed except on an address made to the Queen by the two houses of Parliament. This means that except on grounds of heinous crimes committed by the judges they cannot be removed from the bench once they have been appointed to it. In the lower rungs the judges act no doubt under other conditions of service, and though theoretically they are removable by the executive, in practice they can be so removed only on the ground of a definite offence being committed. In view of this it should be clear that the judges are not dependent upon the executive or the legislature for their tenure of office. Consequently, they have sufficient independence to decide cases only according to the laws of the land and the facts involved. They are responsible only to their own conscience. It may thus be concluded that while in Britain there is fusion between executive and legislative functions, the civil judiciary is at least in spirit, though not in every detail in form, separate from and independent of the other branches of government. Apart from the ordinary courts of law which administer civil justice, there has, of course, been a considerable development of administrative justice in the United Kingdom. This we shall consider later.

U.S.A. While in the United Kingdom the principle of the separation of powers has been observed in a way of its own, in the United States of America it has found more logical acceptance and application. The constitution of Britain has grown, that of the United States of America was made; made at a particular time (1787-88) by a particular set of men. Those who framed this constitution regarded the doctrine of the separation of powers as an essential principle of free government. Without that, they thought with Montesquieu, there would be an end to the liberty which they prized more than anything else. They had also been accustomed in colonial days to the system of separation of powers, the executive au-

thority being exercised by the Governor, the legislative function by the Assembly and the judicial duty by the courts of law. In any event separation of powers became the basic principle of the governmental organization which was put into operation in the U.S.A. in 1789.

The executive power was in that country vested in the President who would neither be elected by the legislature nor be responsible to this body. In the United Kingdom the King is an essential part of the legislature (the Parliament) which consists of the House of Commons, the House of Lords and the King. In India the legislature of the Union also consists of three branches, namely, the House of the People, the Council of States and the President. In the United States of America, however, the President, though endowed with certain responsibilities regarding legislation, has not been declared to be a part of the legislature (the Congress) which consists of the House of Representatives and the Senate. The independence of the executive in its relations to the legislature was the keystone of the constitution framed by George Washington and his colleagues at the Federal Convention at Philadelphia. As regards the federal judiciary, it should be stated that its independence has been ensured in its organization as far as practicable. All federal judges are appointed by the executive 'by and with the advice and consent of the Senate' but they are appointed during good behaviour. They cannot be removed from office except for high crimes and misdemeanours. Nor can their salary be reduced during their tenure of office. This ensures as full an independence to the bench as is practicable and desirable.

We have said above that separation of powers was an article of faith with those who framed the constitution of the United States of America. But they could not go the whole hog and make the executive, legislative and judicial departments completely insulated from each other. Such a watertight separation is not really possible in the governmental organization which is an organic whole and does not admit of such separation. In fact, another principle which influenced the fathers of the American constitution was to some extent inconsistent with the principle of the separation of powers. They believed in checks and balances so that no

branch of government could be all-powerful. The maintenance of liberty of the people was the one desideratum which weighed with the fathers. This would be, in their eyes, better ensured if one authority was checked and balanced by another.

That is why it was laid down in the constitution that a bill passed by Congress would be subject to a limited veto by the President. A bill so passed must be presented to the President. He may veto it. But if the vetoed bill is passed again by a two-thirds majority in each house of the Congress, it becomes law over the head of the President. So the executive has been given authority to check the decision of the legislature. Similarly, in making appointments and in entering into treaties the President has to act by and with the advice and consent of the Senate which is the upper house of the legislature. To the extent that the legislative power of the Congress is checked by the executive and the executive power of the President in matters of appointments and treaties is checked by the Senate, there is dilution of the principle of the separation of powers. It should also be emphasized that the President has been given the right of sending messages from time to time on the state of the Union to the Congress and in such messages he is free to propose new legislations or amendments of old legislation. In practice the President not only proposes new legislation but drafts bills which he thinks necessary and urgent in the interests of good government and has them introduced in the Congress by appropriate persons. All this is deleterious to the principle of separation of powers but necessary and proper for efficient government. It may be said that though both by constitutional provision and by convention and practice the principle of the separation of powers has been blunted and diluted in the United States of America, it is still a live doctrine cherished by the people. It is the secret of liberty of the American people.

The System in India. In India there had been a long tradition of concentration of power in the same hands. This is what was called by Sir Cecil Beadon oriental theory of government. But even when the British government was operated on a purely bureaucratic basis, the judiciary except in the lower rungs of criminal judicial work was to a very large

extent separate. This had been a fact particularly since the establishment of the High Courts in 1861. In the administration of criminal justice in the lower reaches, however, a combination of executive and judicial functions was the rule and the control over the criminal courts by the chief executive functionaries of the districts was the universal practice. So far again as the legislative and executive powers were concerned it need not be emphasized that until 1920 they were largely combined and the control of the executive over legislation was undisputed. In 1921 (with the operation of the Government of India Act, 1919) the principle of cabinet government was partially introduced in the provinces, and today this is the principle on the basis of which the relationship between the executive and the legislature (both in the Union and in the States) is organized.

In other words the system which has been operated in the United Kingdom for two centuries has been introduced in India. Under the Constitution executive power of the Union is vested in the President and that of a State is vested in the Governor. But the Council of Ministers which actually exercises the executive authority is collectively responsible to the legislature and is an integral part of it under the constitution of the country. As in the United Kingdom, there is no executive and legislative separation. On the contrary, there is fusion. In the higher rungs, the judiciary is completely separate from and independent of the other two branches of government. The judges of the Supreme Court and High Courts are appointed (practically) during good behaviour subject to the age limit of sixty-five in the case of the judges of the Supreme Court and sixty in the case of the judges of the High Courts. They are appointed by the executive but according to a procedure akin to that recommended by the late Professor Laski for Britain. In the lower rungs of criminal justice the separation is not yet as complete. But it is one of the directive principles of state policy, as incorporated in the constitution of the country, that 'the State shall take steps to separate the judiciary from the executive in the Public services of the State'. In conformity with this directive steps are being taken, and it is expected that in the near future everywhere in the country lower criminal judiciary will be as separate from and

independent of the executive as the higher judiciary already is.

Administrative Law in England. We have referred in a previous paragraph to the rules and regulations framed by the executive by way of preparing for the application and operation of a statute made by the legislature. This responsibility of the executive for supplementing the framing of laws has been a new development prominently noticeable in many democratic countries during the last fifty years. This is usually called administrative law.

It is true that if the legislature so decides it may make the adoption of the rules framed by the executive departments concerned subject to approval by itself. It may and usually does provide also for this that rules framed by the departments, instead of being made subject to its direct sanction, shall be placed on the table of the legislature for a certain period and during this period any member may raise objection to one or more of these rules. If the House should uphold the objection it would be necessary to redraft the rule in the light of the opinion of the House. But the number of rules framed every season is so enormous and the members of the legislature remain otherwise so preoccupied that the rules framed by the executive departments practically go into force without much intervention by the legislature. Both in the British Parliament and in the Parliament in India a committee called the Committee on Subordinate Legislation has been set up. It depends a good deal on the way this committee functions whether the rules framed by the departments will be good or bad.

However inevitable this aspect of the development of administrative law might be, it has not been taken with good grace by many thinking people, particularly by those who are punctilious about the separation of powers and have a pathetic confidence in the principle of law-making being the concern of the representatives of the people assembled in a legislative body. Thirty years ago protest came in a rather shrill voice both against the development of administrative law and against administrative justice from a very important quarter in England. Lord Hewart, then Lord Chief Justice, came forward to protest against these developments by writing a book entitled *New Despotism*. We cannot say that his protest

was entirely unavailing. Since he wrote, two committees in England have investigated the problem and their recommendations have resulted in certain checks being provided. But the growth of administrative law could not be retarded. So complex are the legislations and so large is their number that it is impossible for Parliament to provide in an Act every detail necessary to put it into operation. Elaborate rules and regulations must be made by the executive departments concerned. It is true that this rule-making is only subordinate legislation and not legislation proper, but all the same it is law-making and to the extent it is done by the executive department, the principle of separation of powers is abrogated.

• **Administrative Justice.** During the last fifty years there has also been a parallel development in justice being administered by Administrative Officers, Boards and Tribunals. This development is not entirely the same as the system of administrative justice which has prevailed in France even after that country broke away from royal despotism and became wedded to representative democracy. *Droit Administratif* and administrative courts headed by the famous Council of State have remained important features of French administration. The French people have interpreted the principle of separation of powers in the light of their own traditions. They have thought that the executive officers of the government should not be made amenable to the jurisdiction of the ordinary courts of law in the execution of their official responsibilities. If they were made so amenable, the civil courts, which are another branch of government, would acquire control over the executive branch. That would be a violation of the principle of separation of powers. So to a great extent the officers of the government were made immune from the jurisdiction of the civil courts. But in order that they might not remain uncontrolled, a chain of administrative courts with the Council of State as the apex was duly constituted and the officers of the government were made amenable to their jurisdiction. So in a continental country like France administrative courts have a significance of their own.

But the United Kingdom has had a different tradition. In this country the 'rule of law' has been an article of faith with the people and government. In the words of Dicey this rule

of law presupposes that not only 'no man is above the law, but (what is a different thing) that here every man, whatever be his rank or condition, is subject to the ordinary law of the realm and amenable to the jurisdiction of the ordinary tribunals'. If, consequently, any administrative officer does anything, in the course of his functioning as such, which is beyond his jurisdiction or which oversteps the bounds of law he is answerable to the ordinary civil courts of the realm and not to any administrative court as in France.

But as due to change of circumstances administrative law has developed apace in the United Kingdom, so for the same reasons administrative justice has also become a special feature of public administration in this country particularly during the last fifty years. The principle of *laissez faire* which dominated 19th century political thought and action so much has had to be gradually abandoned in the present century. New functions and responsibilities have had to be increasingly undertaken by the government principally by way of ameliorating social conditions in the country. A definite beginning was made in this regard by the passing of the National Insurance Act in 1911. The practical application of measures like this involved the performance of many duties which were of a judicial or quasi-judicial nature. The settlement of disputes of this character could not be entrusted to the civil courts because these courts had an elaborate procedure which would not only create a considerable delay in the disposal of cases but would involve a good deal of expenditure which an ordinary individual who wanted to be a beneficiary of the law could hardly be expected to meet. In view of this, administrative officers or boards would decide these cases, so that the decision might be prompt and inexpensive.

But it is not to be expected that in every case the decision would be very just. A tradition has long grown as to the fairness and impartiality of the regular courts of law. If in such courts after utilizing all the provisions for appeals, a man loses a case, he is to thank his own stars for it. He cannot raise any accusing finger against the system of justice in the country. But administrative officers discharging these judicial or quasi-judicial functions have not behind them such great traditions of impartiality. Consequently, not infrequently the voice of

opposition has been heard against the system of administrative justice which has evolved during the last half century. Many trained in law have found fault with it. We have already stated how thirty years ago Lord Hewart, then Lord Chief Justice, hurled a broadside against the system. As a result of public criticism, steps have been taken in recent years in Britain by way of increasingly judicializing the procedure of administrative justice. Under the Tribunals and Inquiries Act, 1958, again a Council on Tribunals has been set up to keep watch on the working of tribunals and to suggest how inquiries should be made. But, however reformed, administrative justice has come to stay. All political parties have become convinced that in the modern age in which socialist thought so very much predominates and in which the functions of the government have increased and are increasing, administrative justice has become a basic concomitant of public administration. It is, indeed, a violation of the principle of the separation of powers. But as in the field of the relationship between the legislature and the executive so also in the field of the relationship between the executive and the judiciary, the logical observance of the principle of separation of powers will be inconsistent in the modern age with the general interests of the people.

Administrative Law in India. Both in regard to administrative law and administrative courts, developments have taken place more or less on the same lines in India as in the United Kingdom. In some fields, in fact, administrative justice is older in India. The revenue courts in many of the provinces have been, for instance, throughout manned by revenue officers. The lower criminal courts again, though bound wholly by a judicial procedure, had been manned by executive officers. Recently in other fields also administrative justice has become prominent. In regard to the application of taxation laws, for instance, there is no doubt an appeal in many cases on law points to the High Courts, but previous adjudication is done by administrative officers and tribunals. It is neither possible nor very much desirable that the tide should be turned and civil courts should be substituted for these tribunals. Administrative justice has come to stay.

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Chapter XIII

THE EXECUTIVE: ITS CHARACTER AND FORM

The Executive—Its Basic Position. The executive is the sword of the state. As a factor of the governmental organization of any state, it occupies a position which is peculiar to itself and indispensable to the interests of the people. The legislature and the judiciary are both important limbs of the government. In a democratic organization particularly, both these factors of government are necessary and important. From the standpoint of constitutional government the legislature should, indeed, be assigned the first place which Locke assigned to it. But there is no gainsaying the fact that in the absence of both legislature and judiciary, government can exist. The absence of the executive, however, makes government impossible. If ever an emergency arises all the three functions of government, namely, the executive, judicial and legislative, may be exercised by the executive alone. But in the absence of the executive there will be no machinery to run the organization and anarchy will set in.

It is the duty and function of the executive to protect the frontiers of the state and ward off external danger. It is its responsibility to maintain internal law and order and keep up general security in the country. It is again not only to put into operation the laws passed by the legislature and carry out the policy laid down by it but to help in the formulation of policy and the preparation of Bills which are later placed before the legislature for discussion and approval. Among the duties of a judicial nature again there are many which have to be decided in modern times not by the courts of law but by administrative officers. It is for these reasons that the executive has been characterized as the residuary legatee in governmental matters. It is not enough to say that the executive branch discharges only executive responsibilities. It has to undertake on most occasions the duty of acting and deciding on things which are not infrequently part of the responsibilities of the other branches of government.

Promptitude, vigour, quickness of decision are in the light of the functions of the executive its chief virtues. It is the duty of the legislature to deliberate upon public questions from all their angles. Many heads have to get together for the purpose and a long time has to be passed in discussion and in making decisions. In a judicial court also it is necessary for the judge to hear all sides, take into consideration all evidence before he can be ready to pass judgment in a particular case. But the executive has to take many decisions at short notice. It may have to decide things on the spur of the moment. In view of this it is necessary and even urgent that while the legislature should be a comparatively large body, the executive must be small in size. In the eighteenth century the idea was popular particularly with American thinkers that the executive should not only be small in size but it should be singular in composition. All final authority in the executive field should be vested in one functionary. This would not only help in making decisions quickly and promptly but would make possible the fixing of responsibility. When the executive is plural and consists of a board, it is difficult to know who is responsible for a policy which has been successful or which has gone wrong. It is not possible in such circumstances to apportion praise or blame. If, however, one man was given the entire responsibility, people would immediately know when he was entitled to praise and when he was open to blame. In no great book has the question of the executive being organized on single or plural basis been analysed so ably and beautifully as in the pages of the *Federalist* (a compendium of essays published by way of persuading the American people in 1787-88 to accept the American constitution as framed by the Federal Convention at Philadelphia).

Executive in the U.S.A. In the United States of America the principle was adopted that the whole executive responsibility should be vested in one functionary—for the American Commonwealth in the President. This decision was taken partly out of reverence for the old British tradition under which the King was the supreme head of the government. Parliament after the Glorious Revolution might be responsible for the enactment of laws and for the voting of grants to the

government but it was for the King as the head of the executive to operate the laws and spend the money as raised, granted and earmarked by Parliament. It is true that under the Hanoverian kings the principle of executive action was changed beyond earlier calculation but these changes came slowly, imperceptibly and without any deliberate design behind them. Between the King and the Parliament there was the gradual evolution of the Cabinet, a collegiate body of ministers working more under the leadership and chairmanship of the Prime Minister than under the leadership of the King. In other words the executive in England became increasingly plural and collegiate in character. But even when Blackstone wrote his *Commentaries* early in the reign of George III the legal position was more emphasized therein than the actual development.

It is no wonder that the framers of the American constitution were more abreast of the legal aspect than of the actual character of the British system. It is true that when the American colonies revolted, British policy had been more the handiwork of the King than of the ministers. Consequently, the American leaders were more familiar with the King as the executive head than with the Cabinet which worked on his behalf. Later after the loss of the American colonies and the installation of the Younger Pitt as Prime Minister the cabinet system was, indeed, finally confirmed in the United Kingdom but it eluded the American statesmen. In any event the facts stood out that either out of reverence for British tradition or out of their own constitutional thinking it was decided by them that the total executive responsibility must be vested in one man and not in a body of men. To this day that principle holds good.

• *The Presidential System.* The President who is the executive head of the U.S.A. and is responsible alone for the direction of executive policy, for the operation of laws and for the spending of money granted by the Congress was intended by the constitution to be elected indirectly. A number of people were to be chosen by the primary electors for their standing in the country, for their probity and honesty and above all for their balanced judgment on men and things. These elected representatives would form the electoral college which in its turn would select the best man available for the presidency.

But, as is well known, the electors no longer make the choice. It is the popular electors who make the choice and elect the electors on the understanding that they would vote for this or that candidate. The framers of the American constitution were rather suspicious of the general public. They were convinced that if the choice was left to them an unworthy man might be chosen. The judgment in election was to be exercised not so much by the primary voters as by the electoral college. But in practice the process has been reversed. The primary electors now make the choice and the electoral college has become only a rubber stamp.

The President is again intended under the law of the constitution to remain secure in office for four years, the period for which he is elected. He can be removed from office only by the procedure of impeachment. In such a contingency the House of Representatives is to accuse the President of high crimes and misdemeanours and the Senate is to judge. There has been during the last one hundred and seventy years of the operation of the United States constitution only one instance of the President being impeached and even in that instance the proceedings failed. Otherwise during the period fixed for his tenure of office he is not subject to removal. If Congress has a majority which does not support the President or his policies, that would be inconvenient for the President but withdrawal of support by the Congress or any branch of it would not amount to his removal from office. This is the difference between the system in vogue in the United States of America and the system as operated in a country like the United Kingdom or India.

In the latter countries there is not only the cabinet system which we shall soon discuss but also the responsible system which flows from the cabinet system. In simple words in these countries the cabinet is not only part of the legislature but is responsible to and removable by it. It will remain in office only so long as it enjoys the confidence and support of the majority of the popular house of the legislature. Once it loses this support, it has to go out of office and give place to another ministry. This is called the cabinet or parliamentary system of government. In the United States of America, on the other hand, the system prevailing there is known as presidential.

Not only is the executive responsibility vested only in the President but he is also an authority separate from the Congress and not responsible to it. The President stands by himself. Even if he loses the confidence of Congress, it may be repeated, this may place him in an inconvenient and difficult position, but as he is not responsible to this body he cannot be removed by it by a vote of no-confidence.

Cabinet or Responsible Government. The cabinet form of government of which the British system is the type is in character the opposite of the presidential system as it prevails in the United States of America. Cabinet government, as the name implies, is a collegiate organization. The executive responsibility is vested not in one man but in a body of men. A number of ministers constituting the cabinet have to take counsel together and decide upon the general policy of the government. It is true that this cabinet works under a chief, called the Prime Minister, who presides over its deliberations and provides leadership for the team. He is in a sense the cornerstone of the whole cabinet edifice. The fabric would collapse but for his vigilance and guidance. Where the leader is weak, unimaginative and has no power of leadership, the cabinet loses reputation and dies of inanition. But when all this is said, the fact remains that the Prime Minister is not vested with the sole responsibility for the conduct of government. The other ministers are appointed no doubt on his recommendation. But they are not, at least theoretically, his subordinates but his colleagues. The policy of the government is not merely the policy of the Prime Minister but of the whole cabinet. For this policy and its execution again the whole cabinet is jointly and severally responsible to the legislature. It is on the confidence of the legislature that the cabinet lives and thrives. Once it loses this confidence, it has to leave the stage, however efficient and well-meaning it might have been otherwise.

Joint and Several Responsibility. It has been mentioned above that the cabinet is jointly and severally responsible to the legislature. By legislature here the lower or the popular house is meant. In Britain it is the House of Commons and in India it is the House of the People to which the cabinet is responsible. In Britain the joint responsibility of the ministers

to the House of Commons implies that all major policies are formulated not merely on the initiative of the department or departments concerned. They must have been thoroughly discussed in the cabinet and finally decided upon by this body. Consequently, the responsibility for policy must attach not to the departmental ministers only but to the whole body. There is another historical reason also why the principle of joint responsibility was introduced and gradually struck root in the country. We have seen above that there was a time when the executive responsibility was vested in the King and the ministers were appointed and dismissed as he pleased. But when in the 18th century the cabinet system was evolving, the ministers found that unless they held together, they might be individually interfered with and even got rid of by the King. So they presented a joint and united front to the King. If the cabinet was not to the liking of the King or if it was pursuing a policy hateful to the King, the King's will might prevail only with the dismissal of the whole cabinet which was a far more serious business than the dismissal of a particular minister.

The common and joint front made to the King came gradually to be made to the House of Commons as well. But the adoption of joint responsibility has not altogether superseded the individual (or several) responsibility of the ministers. It is quite possible that a minister in charge of a particular department might initiate and carry out a policy without previously consulting either the Prime Minister or the cabinet. That policy may go wrong and there may be a howl in the country and in the Parliament against it. In that case the individual minister may alone be held responsible unless his colleagues come to his rescue and insist on sharing his responsibility. In the last century when Lord Palmerston recognised the *capit d'état* in France by Louis Napoleon, he did it on his own without consulting the Queen and his cabinet colleagues. The Prime Minister saw to it that he alone was made responsible for it. He had to resign. In the present century Sir Samuel Hoare, the British Foreign Minister, entered into a pact with his French counterpart, M. Laval, regarding Italian affairs which were then deeply concentrated in Ethiopia. This was supposedly done on the Foreign Minister's own responsibility. Meanwhile there was an outcry in the country and

in Parliament regarding the pact. So Hoare had to resign. The cabinet continued. The British convention that the ministers are jointly responsible to the legislature has in India been given constitutional sanction. The constitution provides for it. It is not stated, however, in our constitution that a minister is in some circumstances individually responsible also to the House of the People. But that is implied.

Swiss System. Between the presidential system of government in the United States and the cabinet form of government in the United Kingdom a compromise has been made in the Confederation of Switzerland. A form of executive has been devised there which stands midway between the two systems. The executive there is collective and collegiate as in the United Kingdom. The executive consists of the Federal Council consisting of seven members, who by rotation become the head of the Council and of the Confederation for a term of one year. The members of the Federal Council are elected by the legislature for a fixed term and, as a rule, are re-elected when the term expires. The council and its members are bound by any decision of the federal legislature but is not technically responsible to it. The members of the Federal Council carry out the laws as they are passed in the country in their own way. If any decision as to how a particular affair is to be approached is made by the legislature, the Federal Council is bound to act on it. If any action taken by the Federal Council is disapproved by the legislature, the former does not resign as the Cabinet should on such occasions in the United Kingdom. The Federal Council would then drop its own line of action and carry out the decision of the legislature.

So far as the collegiate character of the executive is concerned Switzerland has emulated Britain, and so far as the executive remaining in office irrespective of any decision by the legislature is concerned the Swiss people have emulated the example of the United States of America. This system has consequently the virtues and vices of both systems. It has been pointed out that the Swiss system is more apposite in the field of local government than in the field of a national political organization. Because Switzerland is a small country with comparatively simple problems to be tackled by the government, this system has become successful there. In a big country with big pro-

blems it is unsuitable. In such a country the executive would not allow its decision to be turned down by the legislature and at the same time remain in office. It would regard itself as eating humble pie if it had to give up its own decision and carry out with alacrity the decision of the legislature.

One-man Executive has also to be collegiate in action.

We have said above that cabinet government is collegiate government while presidential government implies a one-man executive. But executive work cannot be done effectively and efficiently by one man particularly in the present age. The executive work also involves deliberation and pooling of more resources of mind than one man may be expected to command. That is why in the United States of America the President in whom the executive responsibility had been vested by the constitution has to take advice of others in the discharge of this responsibility. In the absence of a constitutionally organized cabinet he has to improvise one. The secretaries who were departmental heads came to constitute his council, his cabinet. Whenever he required collective advice on a particular matter, he might refer it to this informal cabinet. He would not allow his own responsibility to be replaced by the responsibility of the cabinet. He would remain both theoretically (as the constitution enjoined) and practically responsible for every action of the executive. But he might take the guidance and assistance of the cabinet in shaping his policy and deciding upon action. This cabinet continues to this day with expanding personnel. It should, however, be repeated and emphasized that this cabinet exists not by legal provision but only as a convention.

The President is not bound to take its advice and far less to act upon it in any particular matter. In fact, just as he may consult the cabinet and arm himself with its advice, so he may consult other people, both official and non-official. President Wilson was known to rely for a number of years more on the advice of Colonel House than of his cabinet. The business of the executive has considerably increased and become progressively more complicated all over the world and no less so in the United States of America. But, in theory, the President still remains singly responsible for the carrying out of this increasingly vast executive duty. Apart from what

is done by the cabinet as a collective body and by its members as departmental heads, the President has an enormous field to cover. He has to bear the responsibility for whatever is done or left undone by the departmental heads and the numerous other agencies. So it has been thought wise in recent years to reorganize the personal office of the President. Apart from his cabinet subordinates, he also gets help both in the form of executive assistance and in the form of advice from the assistants of great experience now provided for him in his personal office.

. In this connection it may be stated that for a long period the British Cabinet worked under the leadership of the Prime Minister without any secretarial help. Its proceedings were private and confidential. No one who was not a member of the cabinet could be present and no record could be taken of what was said or decided upon in the cabinet. During the first World War the incongruity of this arrangement caught the attention of the Prime Minister, David Lloyd George, and he introduced the rule that henceforward there would be a Cabinet Secretary who would not only remain present during cabinet meetings but record its proceedings. He would otherwise also make such arrangements as are necessary to make discussion fruitful and productive. Today the Cabinet Secretary is not only an important functionary as such but he is also *ex-officio* one of the secretaries to the Treasury and head of the Civil Service in Britain. He has an elaborate office.

The Indian statesman of old, Kautilya, said that a single wheel would not move. The government could not be run by one man depending upon himself. Nowhere can the executive remain single. Whatever the constitution may provide the executive has to become collegiate in practice. In Britain and India there is constitutional provision for the executive to consist of a number of men and these men are collectively responsible for running the government. In the United States of America it may be single by constitutional provision but it is also largely collective in practice though both legally and outwardly the President alone remains responsible.

✓ **Strength of the Cabinet.** We have already emphasized that modern administration is far too complicated a business to be put through by one man according to his own opinion.

Besides, simply because the decision can be taken only by one man, it is not necessarily likely to be prompt and quick. He may be as vacillating as any group of men. In view of this the executive has everywhere become collegiate in character and this irrespective of external form and legal requirements. The question is what should be the maximum strength of the cabinet or council which should either by its own right or by convention discuss public policies and possible lines of executive activity. The reply is that neither any maximum nor any minimum number may be or should be arbitrarily fixed for a cabinet. In the 19th century the British cabinet was a small body of twelve or thirteen members. In the 20th century it at one time reached the number of twenty-two. But when war was in progress both during 1914-18 and during 1939-45 there was a War Cabinet, small in size and continuous in session. In India the Union Cabinet consisted until recently of thirteen members. At the time of writing it consists of eighteen ministers. In the United States the President's informal cabinet consisted for many years of ten Secretaries. During Eisenhower's Presidency the Vice-President and the Chairman of the United States Civil Service Commission were added. President Kennedy wanted to create a new department and place its officer in charge in the cabinet. The attempt has failed. The number is nowhere fixed except in Switzerland where the cabinet consists of seven members. It varies with circumstances. But it should not be either too large or too small in size. In a far too large body despatch of business would be tardy, decision slow and talk repetitive and unfruitful. In a too small body again there would be little diversity in suggestions or freshness in the expression of ideas. It is not indeed possible to be dogmatic on the question of the numerical strength of a cabinet, but the usual view is that in normal times it becomes most useful when it consists of not less than ten and not more than fifteen members. In wartime the strength should be still smaller because of the urgency of maintaining the confidential character of the discussions and decisions.

Permanent Civil Service. The cabinet is the highest executive directory. It determines executive policy and decides upon basic lines of approach in regard to the administrative

work in different departments. Each of these executive and administrative departments is in charge of one of the ministers. In a country, with parliamentary form of government, the minister is the political head of his department and is responsible for its working to Parliament. Associated with the minister in charge there may be one or two other political assistants, who may help him both in parliamentary work and in the performance of administrative duties. But for the purely administrative work of the department there is a large body of permanent civil servants. The development of this permanent civil service has been a growing phenomenon in modern democracies. In countries like the United Kingdom and India the permanent civil service is really a permanent body with its members enjoying a permanent tenure of office and having the right of promotion to higher and higher offices according to rules framed by the government. They have the right and the duty of retiring on attaining a particular age on a suitable pension as prescribed by law. In both the countries there is an independent civil (public) service commission to hold competitive examinations by which the civil servants are recruited. They are appointed, in other words, not by favour but on the ground of merit. For all non-technical posts again the examination that is held for judging merit is a general examination in liberal arts and sciences, i.e., the subjects which they may have read in schools and colleges. They are not to be examined in subjects with which they would be required to deal after appointment. The object is not to test their knowledge but to test their general ability and merit.

In the United States of America the civil service rules and general organization are different. There in the last century was developed what has been called the spoils system. As a new President was elected, his party men, particularly those who had worked for his election, would expect to be provided with jobs under the government. So the old incumbents, from top to bottom, would be turned out and new men would fill the vacancies. For every turning of the presidential wheel there would be wholesale changes in the civil service organization. As the federal government grew in size and the number of people to be employed under it also grew, it became a heart-breaking responsibility to make such

changes and recruit new men for civil service posts. Nor would there be sufficient posts for all the candidates who would turn up. Those who would be disappointed were far too many. This created discontent and vengeance was actually vowed by some: President Garfield was shot at by a disappointed office-seeker.

This made civil service reform urgent and in 1883 what has been called the Pendleton Act was passed by the Congress. Under this arrangement a number of posts were taken out of politics and appointments to them were made under civil service rules. Men so appointed became career officers. But at first they occupied only the lower rungs of the organization. Gradually more and more offices were taken out of politics and civil service rules were applied to them too. This progress was maintained up to the time President Eisenhower took office. Most of the posts except really top ones had by this time become career offices filled by permanent men. But Eisenhower found that many of them were occupying offices which were policy-making in character. This was not to his liking. The result was that on expert advice he retarded the progress. Many of the important posts which had been taken out of politics came again to be filled by political candidates from outside. The spoils system has been abolished in the United States of America so far as the lower posts are concerned. But in the higher and more responsible posts the incumbents of which are to help the President in the making of executive policy, appointments are still made on a political basis.

Recruitment to the posts made under civil service rules is made in the American system on the basis of an examination held under the auspices of the Federal Civil Service Commission. Its members are appointed by the President with the consent of the Senate. It is to be seen that all members are not chosen from the same political party. The examination that is held for choosing candidates is different in principle and methods from those followed in the United Kingdom and India. For every kind of job there is an arrangement for a separate examination. For those, as, for instance, who would be appointed for non-technical posts in the postal department there would be one

examination; for such posts in the department of agriculture there would be a separate examination. The object of these examinations is not so much to test the general intellectual calibre of the candidates as to test their knowledge on matters with which they, if chosen, would be required to deal after appointment. For a possible employee of the postal department, for instance, the candidates would be examined on postal rules and regulations.

In the British and Indian systems the object is to test merit and general intellectual calibre. If a civil servant has the requisite intellectual ability he can easily pick up within a short time the rules and regulations he would be required to apply, while on the job. The chief merit of this system is that as a civil servant is expected in India and Britain not only to move from one job to another but gradually to go up to higher and higher responsibilities, his general ability makes it easy for him to fulfil this objective and adjust his mind to new environments and new kinds of work. But if he was recruited on the basis of special knowledge suitable for a particular job, he would do that job well no doubt without being fitted for any higher or different work. In the United States people say that the candidates who have general education to their credit in schools and colleges have already that general ability and adaptability. It is unnecessary to test them again on this matter. What should be tested is their special knowledge for the job to which they would be immediately appointed.

There was a time in the United Kingdom when the permanent civil servants had one duty, namely, that of carrying out the policy which either the cabinet or the individual minister in charge of a department formulated. In other words policy-making was the responsibility of the ministers while the execution of that policy was the duty of the permanent civil servants of the department concerned. But today the work has become so complicated that it is not possible for a minister, particularly if he is new to the department, to formulate policy or help the cabinet in formulating policy for his department without previous advice from the senior civil servants. The civil servants have, consequently, in modern times a dual role to fill. They are the advisers of the minister and the cabinet in respect of policy

to be framed and at the same time it is their duty to execute and carry out that policy. When we say that the civil servants are the advisers of the ministers, we do not say that they can dictate policy. It is for them to put forward all the facts in favour of and against a particular line of action. It is for the minister to decide what to do. His decision may run counter to what the top civil servants may have in view. But as the minister has taken his decision the civil servants have one duty to perform, and that is to execute the policy loyally and efficiently. They have had their say before the policy was finally formulated, and once it is formulated it is not for them to reason why but to carry out what has been decided upon.

In India in British days the government was bureaucratic in character. Consequently, the civil servants were as much the framers of the policy as it was their duty also to carry it out. But with the achievement of independence and the establishment of the responsible system of government, the ministers are on top and the civil servants have had to adjust their position accordingly. Their position today is the same as that of the civil servants in Britain *vis-a-vis* the ministers and the cabinet. In the British Civil Service anonymity has been a healthy tradition. Whatever civil servants do they do behind the minister. In India civil servants formerly filled virtually a public role, and it has not been possible in all cases to introduce the system of anonymity obtaining in Britain within a short space of time. But adjustment is taking place as fast as possible.

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Chapter XIV

THE LEGISLATURE

Character of the Legislature. In the governmental organization of a modern democracy the legislature constitutes the most important factor. Its role is vital and even pivotal. It not only 'commands the purse but prescribes the rules by which the duties and rights of every citizen are to be regulated'. It would be wrong to dismiss it again merely as the law-making body. It is the custodian of the general interests of the people, and it is its duty to see that the policies are so formulated and so carried out as to make possible the safeguarding of these interests in a proper way. It is the responsibility of the legislature to raise money from the people, grant it to the different departments of the government for meeting their expenditure, make laws for the good government of the country and undertake deliberations on important public questions of the day so that the executive government might not be in doubt as to what the representatives of the people expect it to do in different circumstances. In many of the democracies the executive is part of and responsible to the legislature. In such countries the legislature has the duty of constantly keeping watch upon what the executive does, and if it goes the wrong way it is the responsibility of the legislature to dismiss the executive from office and help in the constitution of another. Even in those countries in which the executive does not owe any formal responsibility to the legislature and is expected to act independently of it, the legislature has both the right and the duty to be informed of what the executive is doing and take necessary action when it goes wrong. In the United States of America, for instance, the executive is formally independent of Congress but there are frequent investigations undertaken by Congress through appropriate committees into the activities of different departments of the executive government.

Composition, Bicameralism. The question now arises as to how in a democratic state the legislature should be organized. In the United Kingdom for historical reasons Parlia-

ment has been a bicameral body. Apart from the King (or Queen) it has consisted of the House of Commons and the House of Lords. In a federal legislature again (as in the case of the United States Congress) the bicameral system has been thought necessary and proper in order that the two houses may represent two basic principles. The lower house should represent the nation-idea and is expected to uphold the interests of the people of the country as a whole, while the upper house is to represent the states (the component units of the federation) as such and safeguard the interests of the federal units whenever necessary. Apart from these reasons there are other weighty grounds on which bicameralism has been supported and advocated for every legislature, whether in a federal or in a unitary state. Wherever, in fact, the legislature has important functions and responsibilities, it has been organized on a two-chamber basis. Single-chamber legislature is in the opinion of many 'the apotheosis of democratic rashness'. 'We need a brake on the wheel. We need a mechanism that enables us to delay the first, rough impulses of a body fresh from its contact with the electorate and eager in its inexperience to embrace every kind of novelty. A second chamber provides exactly this safeguard.' 'The same reason which induced the Romans to have two consuls makes it desirable that there should be two chambers: that neither of them may be exposed to the corrupting influence of undivided power, even for the space of a single year.'

The general opinion in most countries has, in fact, been for many decades that in all legislative affairs there should be an opportunity for appealing from Philip Drunk to Philip Sober. What has been done by the lower chamber should be checked by another legislative chamber. Besides this duty of checking and revising, there are other reasons also why bicameralism has been advocated. Legislative business has grown from decade to decade in modern times. Its complexity has increased several-fold. It is true that in a two-chamber legislature a bill passed by one house will have to be introduced in another for consideration. Consequently, it may seem that the congestion will not be relieved as a result of the legislature being a bicameral body. But in a bicameral legislature while important items of business may come up first in the lower house, other

items may be introduced first in the upper house. When a bill has been first thoroughly considered in one house, the other chamber need not be required to devote as much time to it as it would have been necessary for it to devote if the items were first introduced there.

We have stated above the general opinion in different countries as to the necessity and utility of a second chamber in their legislative mechanism. But it would be incorrect to say that this opinion is universal. There are some virtually in every country who hold that the addition of a second chamber to the legislature is unnecessary and unwise. It only creates greater complexity in the discharge of legislative business. Not infrequently these oppositionists take shelter under the wing of an epigram. 'The lower house is a popular body, directly elected as it is by the general voters of the country. Consequently, any check imposed upon a decision of this body would amount to a check upon the wishes of the people. If the upper house agrees with the lower house, it becomes unnecessary; if it disagrees, it becomes mischievous. So it should be eschewed. In the United Kingdom again the advocates of a unicameral legislature took their stand upon their opposition to the hereditary and privileged character of the House of Lords. It was a body of vested interests. The best way of doing away with this check of vested interests upon the will of the representatives of the people was to advocate unicameralism, and make the House of Commons the sole repository of legislative authority. But as a result of the clipping of the wings of the House of Lords by the Parliament Act of 1911 (as amended in 1949), the animus against this body has decreased considerably even in Labour circles. In fact, the number of those who on principle advocate a unicameral legislature today is small everywhere.

That there should be a second chamber in a legislature is the generality of opinion in the world even today. It would be unwise to dismiss it as a 19th-century fad. The question is what should be the relationship between the two houses and how the second chamber is to be constituted and composed. So far as the Senate of the United States is concerned there is virtually an equality of position on its part with the House of Representatives.

It is true that finance bills cannot be introduced in the Senate but barring this the two houses have the same powers in all legislative matters. This equality of position is enjoyed also by the second chambers of the state legislatures. In the United Kingdom, however, the Parliament Act of 1911 not only formally deprived the House of Lords of all say in financial matters but in respect of ordinary legislation also the power of veto retained for this body was made definitely limited. If a bill, passed by the House of Commons, was negatived by the House of Lords and if the former body remained insistent on placing the bill on the statute book, it would be open to it to do so over the head of the House of Lords after the lapse of a period of time and by the House of Commons taking action on particular lines. So the House of Lords lost all authority over money bills and retained only a suspensory veto over ordinary legislation.

The Parliament Act of 1911 had been passed in a state of political excitement. In view of this it was decided during the first World War to have an authoritative opinion as to the utility and position of the upper house in the United Kingdom. Accordingly in 1917 and 1918 a conference was called to meet under the chairmanship of Viscount Bryce. The problem was discussed at length in this conference but no definite resolutions were adopted by this body. Lord Bryce as chairman of this conference, however, wrote a letter to the proper quarters and in this letter he embodied the generality of opinion expressed in the conference. As to the functions of a second chamber he stated them as follows.

1. The examination and revision of bills as passed by the House of Commons. This had become important in view of the fact that the House of Commons had to act under a severe time limit and under special rules of debate.
2. The initiation of bills of a more or less non-controversial character. If placed and discussed in details in this chamber, they would have an easy passage through the House of Commons.
3. The interposition of so much delay (and no more) in the passing of a bill into law as may be needed to enable the opinion of the nation to be adequately expressed upon it.

4. Full and free discussion of large and important questions of the day particularly in respect of foreign affairs.

The general opinion of the conference was that there should be a second chamber and its purpose would be to serve as a brake but not too tight a brake upon law-making.

It is more or less on this basis that in many countries the authority and jurisdiction of the second chamber have been determined since the end of the first World War. In India the principle of having a second chamber in the central legislature was incorporated in the Government of India Act, 1919. It provided for a second chamber, called the Council of State in the Indian Legislature. Under the present republican constitution also, India is committed to the principle of bicameralism not only at the Union level but in many of the states as well. But neither the Council of States which is the second chamber of the Union legislature (Parliament) nor the Legislative Councils in those states in which they exist have been given any authority over financial matters. There will be general discussion there on such matters and recommendations may be made by the second chambers in this regard but such recommendations are not binding upon the lower house. So these chambers are to all intents and purposes inferior in status and authority to the other houses.

If these are the functions of the second chamber, by the discharge of which it may serve a useful purpose but not rival the authority of the popular house, the question arises as to how this body should be constituted. The predominantly hereditary character of the British House of Lords is no example in this regard for any modern state to emulate. The popularly elected Senate of the United States of America cannot also be the pattern on which we can determine its constitution. We have seen already that for many reasons the United States Senate has been given virtually the same legislative powers as the House of Representatives. Consequently, the popular character of the Senate is no bar to its proper functioning. The elective character of both the houses introduces rivalry no doubt, but such rivalry was intended by the fathers of the constitution. However, where the second chamber has been given a definitely subordi-

nate role to fill, it should not be elected on as popular a basis as the lower house. In India it has been provided that the Council of States will consist of not more than two hundred and fifty members, twelve members being nominated by the President from among those who have established some reputation in the fields of art, literature and social service and other members being representatives of the States and Union territories, the latter being chosen in a manner prescribed by law by Parliament. Representatives of the States are elected indirectly by their legislative assemblies. The Council of States does not consequently consist of members elected directly by the people and is not expected on that account to have the pretensions of a popular body. In those states where Legislative Councils have been brought into being, these bodies consist partly of members elected by the lower house and partly of those who are elected by special constituencies composed of university graduates, teachers and members of local bodies. In addition, some members are nominated by the Governor on the ground of reputation in the fields of art, literature and social service.

Who to Vote for Lower Houses? As regards the lower house of the legislature in a modern democracy there is unanimity of opinion today that it should be elected on the basis of universal franchise. There was a time when many people firmly believed that the vote should be given only to those who deserved it. The right to vote was not an inherent right. It was a privilege conferred on those who deserved it. Men who had property to manage or education to enlighten the mind should be those invested with the right of electing members of the legislature. The electorate is an important factor of government, and it was thought that the character of the government of a country depended very largely upon the character of the electorate. A river could not rise above its source and in the same way the nature and character of an elected body could not be better than the nature and character of those who elected it. If the latter were unlettered, ignorant, guided by self-interest and the passion of the moment, the elected legislature would also not acquire any reputation for sobriety, judgment and business ability. So not all the people of a given age but only those among them who had opportu-

nities of enlightening their mind and acquiring otherwise the power of discrimination and discretion should be admitted to the vote. Those who had property were regarded as having a stake in the country and those who had sufficient education were regarded as having the power of discrimination between good and evil. The rest should be regarded as an ignorant crowd. Ideas in this regard have now completely changed. Property is no longer a *sine qua non* of franchise. Education in most democracies has become compulsory. Where it is not yet compulsory and universal, steps are being taken to make it so. Besides, while formal education is regarded as helpful it is no longer regarded as indispensable for the exercise of the vote. So universal franchise has become the rule.

The next question is that of how the electoral system is to be organized. This question is largely mixed up with the problem of minority representation. Democratic government is, of course, government by the majority. It is not to be expected that when a measure is adopted and when it is executed all people will agree. There must be some who will raise their eyebrows and some will shake their heads. In spite of this a decision has to be taken and carried out. When again a representative is elected, it would be unreasonable to expect that he would have the support of everybody who has any say in the election. In modern democracies again political parties are the order of the day and people are divided in their allegiance to different parties. The party that has the largest support among the voters has its candidates returned.

This arrangement of things has not been to the liking of many thinking men. During the last one hundred years there has been a good deal of speculation about this matter. It has been pointed out that if large sections of people virtually go unrepresented because they do not back the winning candidates, democracy cannot pretend to be real and the government cannot be said to be based on the will of the people as a whole. John Stuart Mill advocated on this account just one hundred years ago that there should be proper representation for political minorities. To this end he commended for public approval a complicated scheme of

representation propounded by one Thomas Hare. The scheme was mathematically sound but practically difficult to work. It may be explained shortly. The number of electors in the country should be divided by the number of seats in the legislature to be filled. The quotient is the number of votes a candidate should secure to get returned to the legislature. These he may secure from all parts of the country. In other words the whole country might become in a sense one electorate and from anywhere in this wide and far-flung constituency the candidates might try to secure the necessary quota of votes. The scheme did not, of course, envisage the abolition of local constituencies. But a voter in a constituency might vote for any one candidate standing from anywhere in the country. The scheme again provided that if a candidate for whom a voter had cast his vote was not returned, the vote might be transferred to another candidate according to preference.

While the bold scheme referred to above has found hardly any support anywhere, there have been other schemes propounded from time to time for minority representation. One of them is known as the principle of cumulative vote. For giving effect to this principle it is necessary for the constituency to be a plural-member one. It must be given the responsibility of electing at least two members. Each voter would have in that case two votes, but instead of casting the two votes in favour of two candidates he may cast both in favour of one. The result would be that although a particular group may be in the minority in the constituency it can double its strength and may have thereby a chance of getting its candidate returned.

There have been other devices popularized from time to time for ensuring due representation of the electorate. There may, for instance, be a constituency which is to return three candidates to the legislature. But the voters are not to vote for more than two, one vote being cast for each of the two candidates. One party, though in a majority, will, as a result of it, be deprived of the right of sweeping the electorate and getting all its three candidates returned. One may go to a minority group. A more meticulous arrangement consists in what has been called the system of single transferable vote. In this regard also the constituency should be called upon to

return three or four candidates. But although the constituency is a plural-member one, each voter will have only one vote. This vote he may cast in the first instance in favour of a particular candidate, but he is to indicate in the voting paper (ballot) the other candidates who will get this vote in succession if his vote was not required for the election of the candidate for whom he has the first preference. The voter will have as many preferences as there are seats to be filled. But he is to state who will get the first preference, who the second preference and so on. This arrangement is far too complex for the ordinary voter in a popular constituency to appreciate and follow. But this method has not infrequently been adopted when a select body is to elect members to another body. When, for instance, the legislative assembly in an Indian state elects its representatives either to the Legislative Council or to the Council of States this method is followed:

In some countries again although none of the above methods of minority representation could find a foothold, double election has sometimes been resorted to so that none might be elected without a large support in the constituency. There may be a number of candidates asking for the support of the voters. In the first election none may receive an absolute majority of votes cast and some may have received only poor support. Those at the bottom will be eliminated for the second election and the contest would remain confined to those who have had appreciable support. The second election will then be held and it will be the deciding factor. The object is too obvious for further explanation. It is to see that none are elected without sufficient electoral support.

The most acceptable form of electorate is the single-member territorial constituency. The state is to be divided into as many territorial constituencies as there are seats to be filled. As a result of this arrangement two purposes are likely to be gained. In the first instance, this division is likely to ensure minority representation to some extent. It is not to be expected that in every constituency one particular party will have the majority of voters on its side. Other groups are likely to have sufficient support in some of the electoral areas for getting their candidates returned. So although in any particular constituency only the victorious

party will get representation and the other groups will be without any, on the whole each party is likely to have some representation in the legislature through this method provided it commands real support in the country. Secondly, as a result of the adoption of this method of election it will be possible for the successful candidate to remain in touch with his voters. This close association between the voters and the member elected is an important factor of the efficiency of the representative system of government. In a very large amorphous constituency it becomes difficult for the member to keep close to the voters, but a single-member constituency is comparatively small in size and population and, consequently, the member, if he so desires, may maintain intimate contact with the constituency and look after its interests in as effective a manner as possible.

This single-member territorial constituency system for elections to the popular house of the legislature has met with the approval of general opinion throughout the world. In the United Kingdom there were until recently representatives elected by the universities. This was the only representation of special interests provided for in that country in the House of Commons. This has now been eliminated. The idea that there should be some enlightened men to represent the élite of the country in the representative house of the legislature has lost support, and it has now been accepted that democracy is best served by representation through territorial constituencies alone. It is true that in this country all the constituencies are not yet single-member electoral areas. But the tendency is towards that achievement. In the United States the House of Representatives consists of men each of whom represents a territorial constituency of his own.

System in India. In India during British rule two systems of electorates were worked simultaneously. There were the territorial constituencies and in addition there was a number of special constituencies. These latter were carved out so that the special interests such as trade, commerce, the plantation industry, landlords and labour might all have their due share of representation in the legislature. In a democracy such special representation in the popular house has been regarded as an anachronism, and under the constitution at work in the

country today this has been abolished. Only in regard to the composition of the second chambers there is some arrangement of special constituencies though largely not of the same kind as prevailed in pre-independence days. We have dealt with this matter in connection with the composition of the Council of States and the Legislative Councils of the states. It should be added that when the republican constitution came into effect in 1950 all constituencies for electing members of the House of the People at the Union level and the Legislative Assemblies at the state level were not single-member bodies. But by an amendment of the Representation of the People Act all constituencies are now single-member electoral areas. India appears to be committed to this principle of electoral organization.

Functions of the Legislature. We have discussed above the composition of the legislature. We have also already referred to the fact that the legislature is not merely a law-making body. Its duty is not simply to consider the bills introduced in either chamber. This is indeed its basic duty, but as a deliberative body it has other important functions as well. Debates are held on important public questions of the day. If a situation arises in foreign affairs, which calls for immediate consideration by a legislative chamber, arrangements are made for such debate and discussion. In home affairs also members may feel that an important thing has happened and that upon this the house should have an opportunity of public discussion. In such circumstances the opposition party may ask for adjournment of the normal business of the day so that a debate on the subject in question may be held. In a parliamentary system of government again it is a privilege of the members of the legislature to put questions to the government. This has, in fact, become an effective method of controlling the administration in the details of its work. In presidential system like that of the U.S.A. where neither the President nor the departmental heads are members of either house of the Congress and are not present there to answer questions, this method of keeping the administration in trim could not be adopted. But whenever any chamber of Congress feels that with regard to an important matter administration is not being run properly, it may constitute a committee of investigation and before

that body officers of the department concerned may be called upon to appear.

Procedure of Law-making. But law-making is the most important business of the legislature. There is a detailed procedure adopted in every modern legislature for law-making so that no bill is ordinarily passed in a hurry and in a haphazard manner. In a parliamentary democracy all important bills are introduced in the legislature on the responsibility of the cabinet by the minister in charge of the department concerned. It is true that any private member of the legislature has the legal right to introduce any bill which is not a finance bill but as a result of practice all important bills are placed before the house by a minister. Before a bill is drawn up the policy behind it must have been thoroughly discussed, and when the bill is drawn up it has to be submitted to the cabinet for approval. Only after this procedure has been followed, may a government bill be introduced in the legislature. In other words no bill is placed for legislative consideration except after mature administrative consideration. Even in a presidential form of government although every bill has to be formally introduced by a private member (there being no government member in the Congress) it may have been drafted not by him but on the initiative of the President by someone in his office. In fact, many of the important bills in the U.S.A. which find their way to the statute book are framed at the instance of the President and have mature consideration (both political and technical) behind them. When the bill is introduced in the legislature it cannot be passed in a single sitting. In fact, without suspending the standing orders no bill can be passed except through an elaborate procedure. It has to be considered thrice by the house. These are known as three readings. After the second reading there is a committee stage at which the bill is considered in detail by a select (or standing) committee. Passed by one house it has to be submitted to the revision of another. In spite of all these precautions, when a bill has been finally passed, it is often found that the Act has both technical and general defects. In fact, modern legislation has become so complex that this elaborate procedure is not a mere time-honoured custom, it has considerable practical merit.

Decline of the Legislature. There is a point of view rather widely held that the classical days of the legislature were those of the eighteenth and nineteenth centuries. The present century is the heyday of the executive. With the growth of powers of the government and the increasing complexity of these powers the importance of those who run the administration has grown and the legislature which controls the government has declined in prestige. So far, however, as the legislature in a presidential form is concerned, there seems to be no decline in its prestige and authority. In America, the Congress, particularly the Senate, wields as much authority today as it did in the last century. In Switzerland, the legislature has all along shared power with the people. Direct legislation in the form of referendum and initiative has been at all times a special feature of governmental organization in that country. In democracies with a parliamentary form of government the relationship between the executive and the legislature has been at all times rather peculiar. It has to be accepted that the legislature is not itself to run the government but to see that the government is not only run efficiently but run according to the policy laid down by the legislature. But such dictation of policy is feasible only when the executive which is a part of the legislature does not command a sure majority in that body for quite a length of time. If it possesses such a dependable and sure majority for a long period, the legislature would do what the executive would dictate. In other words the legislature may tend to become a rubber stamp of the executive.

In the United Kingdom at the time of general elections which have to be held at least every five years people exercise their vote with an eye to the kind and character of government they desire to have. There are three political parties in the field and on behalf of them there are three leaders who call upon the people for support. One of these leaders catches the imagination of the people and he succeeds in securing a stable majority for himself and his government in the House of Commons. This does not mean that on every occasion a party leader would acquire that stable majority. Sometimes the majority he may be given is precarious. But the general trend is for the leader of one of the two major parties to secure a stable and reliable majority in the House of Commons and

with its steady and unquestioned support to carry on the government. This may give an impression that the legislature is at his beck and call. Government business largely occupies the attention of the House. Whatever the opposition may say and do, it will be overborne by the stable majority the government commands. In view of this it may indeed be said that to oppose the government is only to break one's head against a stone wall. But all the same at question time the government has to answer for its conduct of business, and in all debates and discussion the members may say what they have to say. More than this is not expected of the legislature.

In India, it has been observed, there is not a well-organized opposition and this is a handicap not only to the exertion of influence by the legislature but to the proper functioning of parliamentary government. This point of view has hardly any basis. There has invariably been an opposition both in the Parliament and in the state legislature. The strength of the opposition should not again be measured only by its numerical strength. It is to be judged also by the organization it possesses and the talent it can throw up. By these standards the opposition in the Indian legislatures is not to be belittled. If one party has maintained sufficient stability to occupy the government benches for a decade and a half, that should not be taken objection to. In the United Kingdom, the Conservative government has been in office for ten years and there is no sign that its influence is abating. What is again to be emphasized is that in the Indian Parliament the private members of the government party have not infrequently a chance of speaking and saying things in a manner which may stagger a British Parliamentarian.

In view of these facts we cannot say that the influence of the legislature is dwindling. In France, it is true the wings of the Parliament have been clipped to a large extent under the Fifth Republic. But there the Parliament had since the establishment of the Third Republic tried to arrogate to itself a responsibility which no legislature should possess. Its desire and habit have been to make every effort to run the government on its own account. But it should be repeated that this is not the legitimate function of the legislature. It is only to see that the government is run properly and in the

interests of the people. It is not to run it by itself.

In a modern democracy, the people generally have become far more curious, alert and assertive of their rights than previously. Communications have become swift and media of informing the mind of the people have become more varied and effective. In view of this the importance of the general body of the people has greatly increased and the importance of their representatives in the legislatures has diminished correspondingly. But this is an inevitable change. Where the principal says his own say, the attorney has for the time to step back. But in the long run the attorney does not lose his importance. He has still a great role to play.

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Chapter XV

JUDICIARY

Importance. The importance of the judiciary in governing a country need not be emphasized. So basic is this importance that it has to be taken for granted and requires no explanation. The legislature passes the laws, the executive applies them and it is for the judiciary to decide whether the application has been proper and correct. It is for the judiciary to declare whether the executive in taking an action has duly applied the law of the country or has acted arbitrarily and in a high-handed manner. In other words one of its chief duties is to become the task-master of the executive. In those countries again where there is a written and rigid constitution and the ordinary laws are made by subordinate legislatures and not by one with sovereign authority, the judiciary has to decide whether these laws are consistent with the constitution which is the fundamental law of the country or whether they are *ultra vires*. In other words not infrequently in modern days the courts of justice are as much the task-masters of the executive as they are the guardians of the constitution *vis-a-vis* the legislatures.

But while the importance of the judiciary in the mechanism of government is undisputed, it is in a sense the weakest limb in the body politic. The legislature commands absolute power over the purse and as such exercises authority which has to be respected. The executive, on the other hand, holds the sword of the state and as such it also cannot be ignored. But the judiciary has no such spectacular authority. It issues only judgments, which to be effective require implementation by the executive. As it is the weakest limb from this standpoint, it is necessary that it should be as independent as possible of the other two factors of government. In view of the great influence and power exercised by these other factors, it is necessary for the judiciary to be so appointed, to have such a tenure of office and to work under such other conditions of service that people might be sure of the independence of the bench.

This independence is its force. Subserviency to the executive or the legislature or the suspicion of it would undermine completely the people's respect for the bench, on which its usefulness depends.

This question of the separation of the judiciary from the two powerful branches of government, namely, the executive and the legislature, and its independence of them both in theory and practice has been considerably discussed in the chapter on the separation of powers. Here further discussion on these points is unnecessary but their importance has to be emphasized again.

Mode of Appointment and the Conditions of Service of Judges. The mode of appointment and the conditions of service of the judges are very much relevant to the problem of the independence of the bench. There is an opinion still held dear in some parts of the world that the judges should be elected directly by the people so that they may not be dependent either upon the executive or the legislature. If they were appointed by the executive, they would owe gratitude to that body and become dependent on that account upon that powerful factor of government. If again they are chosen by the legislature they would in that case owe allegiance to this body and this would make them a mere tool in its hands. If again they were appointed by both these bodies jointly the independence of the bench would become a chimera. It would, in fact, become dependent upon both. So the judges should be as much the nominees of the people as the other two branches of government elected by them.

Popular election of the judges still prevails in the component states and municipalities of the American Commonwealth. It is, however, the experience of all that this mode of choosing judges is the worst not only from the standpoint of the efficiency of the bench but also from the standpoint of its independence. Administration of law is a difficult business. Not only should the judges possess certain qualities of the mind which for an impartial judgment are essential virtues but they should have perfect command over the principles and technicalities of law which only few can master. The judges should have long experience of the profession of law and, secondly, they should have a judicial mind. In a popular election these

matters are likely to be more ignored than emphasized. To elect a representative to the legislature is one thing. To elect a judge is different. In the first place, people generally know the kind of men they require for membership of the legislature and even for the executive. Secondly, the comparative merits of candidates are canvassed by the parties to which the different candidates are affiliated.

But in respect of the qualifications required of the judges the people themselves would have but a very hazy idea. As for the backing of the parties again that will be highly inappropriate for the candidates to seek. For a future judge to be a party candidate would completely undermine his independence and make him unfit for the bench. If returned to the bench by the patronage and support of a political party, a judge would be expected to show favour to that party and to the people affiliated to it and thereby stultify himself completely as a judge. In this connection the question of tenure of office should also come in for consideration. Wherever the judges are elected by general voters the tenure is, as a rule, short, though there are long tenures (of as long as seventeen years). A judge once elected would naturally expect to get back to his office for the second or third time. This will oblige him to curry favour with the electorate and nurse it as far as practicable. In other words he would be compelled by circumstances to become a willing tool in the hands of influential people in the electorate. Independence of the bench would cease to be a reality.

Nor has the election of judges by a large legislative body been proved by experience to be a suitable method for constituting the bench. It should, of course, be stated in extenuation that in Switzerland the Federal Court judges are elected by the legislature and the practice has gained respect in that country. The success of this experiment is partly due to the elaborate rules under which the selection has to be made by the legislature and partly due to the traditions under which the judges of the Federal Court have to work in Switzerland. Switzerland is a peculiar country. Many of its constitutional practices, though praiseworthy, cannot be transplanted to foreign soil. It should be emphasized that the method of choosing judges through a large legislative assembly is likely elsewhere

to be as bad as their choice by a popular electorate. The same vices are expected to be present in this system as in the other. In the United States of America there is the constitutional obligation on the part of the President to submit the names of his nominees for the federal judiciary to the Senate. Without the approval of the latter body no appointment can be finally made. It is generally held in the United States that this system under which both the President and the Senate share responsibility for appointing judges has not only worked well but has resulted in the efficiency of the bench. The President is responsible for taking the initiative in choosing his nominees. He would naturally choose the best names as otherwise there is the risk of his nominations being turned down by the Senate. But if there are still any vagaries in the choice made by the President, there is an opportunity of their being removed when the nominations come before the Senate for confirmation.

It has been claimed in many parts of the world that the appointment of the judges by the executive alone is, on the whole, the best method of ensuring good appointments. It is largely expected to be uninfluenced by popular enthusiasm and clamour. It will discuss the comparative merits of all available men behind closed doors and finally make the choice. If the authority given in this regard to the executive was shared by the legislature or by any of its branches, some of the best candidates would certainly not allow their names to be submitted for approval. In the United States this mixed method has proved successful. But candidates in other countries are more shy. They would not like their merit and experience to be discussed in a legislative chamber, and far less would they like their nomination as made by the executive to be turned down by this legislative body. They would not take that risk. So the best method of choosing judges, so far devised, is that by the executive.

In Britain all higher judges are appointed by the Crown on nomination by the Prime Minister. But the Prime Minister before submitting names consults the Lord Chancellor who has great legal experience to his credit and is at the head of the judiciary, though he has other functions as well to perform. In India so far as the judges of the Supreme Court are concerned, they are appointed by the President (i.e., by the execu-

tive). But he has to consult as many sitting judges of the Supreme Court and State High Courts as he may think necessary. In the case of appointing ordinary judges of this court he is under the constitutional obligation of consulting the Chief Justice. The Judges of the High Courts are also appointed by the President. But before appointing the Chief Justice of a High Court he must consult the Chief Justice of the Supreme Court, and the Governor of the State concerned (i.e., the executive of the state). In appointing the other judges of the High Courts he must consult also the Chief Justice of the relevant High Court. The procedure adopted in India meets the objections which the late Professor H. J. Laski raised in respect of appointment by the executive on the basis of its own judgment. He wanted a panel of sitting judges to be consulted before the executive decided upon the selection. This principle has virtually been accommodated in the Indian system.

Safeguarding Judicial Independence. In respect of the independence and efficiency of the bench, the system followed in appointing the judges is as important as the conditions of service under which the judges are required to work. A short but renewable term of service interferes with the maintenance of the independence of the bench. It does not matter in this connection whether the judge is elected or appointed. The fact that he is chosen for a short period and is eligible for re-election or re-appointment will affect his independence of judgment. He will have an eye on his re-election or re-appointment and, consequently, will have a tendency to trim his sail according to the wind that might blow from the quarters of his appointers. In order that such a state of things may be avoided it has been suggested and practised in many countries that after appointment the judges should serve during good behaviour. This may mean virtually a life tenure as in the United States of America or a permanent tenure subject to an age limit as in India. In any event it should be the rule that once a judge has been appointed, he should have full security of tenure and must not be removed except on grounds of grave crimes and misdemeanours. In the United States a federal judge can be removed only by impeachment. In the United Kingdom and India a judge of a superior court can only be removed on an address being made for his removal

by the two houses of Parliament to the head of the state.

Promotion of a judge from a lower to a higher position is another important matter which has much to do with the independence of the bench. The right of promoting may be so exercised as to affect independence very adversely. Every person in service (and judges should not be an exception), looks forward to promotion. But one who is in the good books of those who are the promoting authority may alone have an opportunity of going from a lower to a higher post. If this principle applies to the judiciary, a judge who has curried favour with the promoting authority will have a chance of securing promotion. This would undermine his independent judgment. He may develop the propensity and feel the necessity of deciding cases not in his own way but according to what the promoting authority may desire. It is on this account a practice in the United States of America that the federal judges are not, as a rule, promoted. It is not the practice there for a judge of a federal district court to be promoted to the Supreme Court. A person who has been appointed to a district court will be expected to remain there until he retires.

Judges of the Supreme Court are appointed direct. Not infrequently the Chief Justice of this court is also appointed direct, though it is open to the President to nominate an Associate Justice of this court for the purpose. But it should be remembered that the difference in pay and emoluments as well as in prestige and social position between the Chief Justice and Associate Justices of the Supreme Court is very small. The extra remuneration which the Chief Justice receives is too small to rouse the cupidity of the Associate Judges. In India there is, of course, the practice of promoting a judge from a lower court to a higher court. A Munsif becomes automatically a Sub-Judge and by selection a District and Sessions Judge. There is, of course, at the same time the principle of selecting a number of District and Sessions Judges direct. In any event again there is the practice of selecting a portion of the judges of the High Courts from among those who have been District and Sessions Judges, the rest of the judges of the High Courts being chosen direct. The judges of the Supreme Court have so far been chosen only from among those who have served as High Court Judges, though under the constitution of

the country it is open to the appointing authority to choose them also direct. The promotions have, however, been so regulated since independence as to create general satisfaction and as not to affect the independence of the bench.

We have discussed above the system of choosing the judges and the question of their being promoted from a lower court to a higher one. It is necessary now to refer to the qualifications which they must have to their credit before appointment to the bench. In this regard there are two principles which have obtained in the European continent and in the British Commonwealth and U.S.A. According to both these principles knowledge of law is an essential qualification. But while in the European continent the law is first practised by the judges after they are appointed to the bench, in the other group of countries it must have already been practised for quite a long period at the bar before a candidate can aspire to a position on the bench. In a country like France when a young man has passed the law examinations of a university, and acquired thereby sufficient proficiency in the subject, two lines are open to him. He may choose the bench or he may choose the bar. If he chooses the former, henceforward he will have his career confined to the bench. He must seek his promotion in that line. If he chooses the bar, he must limit his ambition to the laurels he may achieve there. He must not cast wistful looks at the bench.

In Anglo-American countries, on the other hand, great stress is laid, in choosing men for the bench, on their previous practice at the bar. A man who has not been behind the scenes of cases and fought them on behalf of clients before courts of law is not regarded ordinarily as capable of filling positions on the bench. Of course, not infrequently the possible candidate's experience in other fields is also taken into consideration. It is not always regarded as sufficient that a man should have seen people only at the law courts and acquired legal experience there. In Britain the experiences of the House of Commons which would afford great knowledge not only of the working of the government but of men and things have often counted in the selection of judges. Lord Haldane has left it on record that judges chosen from among those who have not only established great reputation at the bar but have

acquired experience in the House of Commons have been generally the best. In the United States of America on many occasions judges of superior courts have been chosen from among those who have not only practised at the bar but filled elective and administrative offices. It is assumed that as a result of this experience, they have not only the requisite knowledge of law but knowledge of the country and its problems. There have been again occasions when a man has been chosen for the bench not because he is a great practising lawyer but because he has acquired a reputation as a jurist, as a legal scholar.

In India during British rule the judges in the district courts and to some extent in the High Courts were chosen on the basis of their administrative experience. Such people would have no experience of work at the bar. They would be encouraged no doubt to read law either in a university in Britain or in the Inns of Court. But in all instances they would not have any such qualification. They would acquire knowledge of law as they sat on the bench. In other words the administrative experience was more emphasized than either experience at the bar or even knowledge of law acquired by systematic study in a university or Inn of Court. It was assumed that the knowledge of men and things and insight into the character of the people which the future judges would acquire by doing duty as revenue officers would stand them in better stead than formal legal education and experience. As the civil servants who became judges had an excellent general education already to their credit at the time of recruitment, it would be expected that they would gradually and automatically acquire sufficient knowledge of law for the discharge of their duties on the bench.

Since independence there has been more insistence on legal practice at the bar for those who would be chosen for higher judicial work. It is still not the practice to choose the judicial officers in the lower rungs from among those who have had a fairly long practice at the bar. They are recruited on the basis of a competitive examination in which legal subjects are compulsorily included. They must also have a law degree to their credit. A large portion of these officers are in time promoted to the district bench and if as district and sessions judges

they fare well there is the chance of their being selected for the High Courts as well. So in the higher courts there will be judges whose chief merit would be judicial experience acquired in lower courts and knowledge acquired at the university and developed in trying cases in lower courts.

The judges are thus chosen in India either for their considerable experience at the bar or for their experience of judicial work in the lower courts. Experience in other fields which is valued in the United Kingdom and in the United States and to which reference has been made above has not been given much attention as yet. In the constitution there is provision that so far as the Supreme Court is concerned a judge may be appointed on the basis of his being a great jurist. In other words neither practice at the bar nor judicial experience would be necessary in such appointments. But so far there have been few jurists of reputation outside the bar. Possibly on this account attention to this clause of the constitution could not be paid up till now.

The judiciary works according to an elaborate procedure which is adopted in order that the truth may come out and justice may be done to those who have to resort to the courts of law for the adjudication of their disputes. Apart from the general procedure to be followed there is an elaborate law of evidence only in conformity with which necessary evidence may be taken as to the truth or otherwise of a contention. In the general procedure again the principle is adopted that, as a rule, a person losing his case in one court will have two appeals in higher courts. It may be repeated that this elaborate arrangement for the adjudication of disputes has been made only to ensure proper justice. It is not expected that a court should be infallible in its decisions in all cases. So appeals against the decision are provided for. But this elaborate procedure, to be followed not only in the first hearing of a case but in making appeals against the decision of the lower courts, is not only time-consuming but expensive. This delay in decision and the expense involved are the bane of modern judicial administration.

Judicial Organization in a Federal Union. We have discussed federalism in another chapter. Here it is necessary to refer to the system of judicial organization which should

prevail in a federal union. In a state of this character there is the dual system of government—the government of the union and the government of the units. Union functions are carried out ordinarily by the federal machinery and the functions of the units by their own machinery. The purists may, consequently, say that the judicial organization should also be dual in character. In the United States of America there is, in fact, such a system. The constitution provides for the setting up of the Supreme Court for the union leaving to the discretion of the Congress the matter of establishing inferior federal courts. In the very first year of the operation of the federal constitution, however, the Judiciary Act was passed by Congress and under its authority the inferior federal courts were established. So since the beginning of the federal union dual judiciary has worked in the United States of America. All cases arising out of the operation of the federal laws are decided by federal courts and cases arising out of the operation of the state laws are disposed of in the state courts. In respect of cases involving the interpretation of the constitution appeals from state courts are brought to the United States Supreme Court. Otherwise the two chains are independent of each other.

But the example of the United States of America has not been followed in some other federations. In the Dominion of Canada and in Australia there are the Dominion Supreme (High) Courts but the lower courts are common for federal and provincial (state) purposes. In India also the judiciary is unified. The same courts decide cases arising as much out of state laws as out of Union laws. In these countries it has not been thought necessary that there should be a complete chain of federal courts in addition to a complete chain of state courts. As the courts work independently of the executive and the legislature (both state and federal) it is not to be suspected that the state courts would so apply a federal law as to prejudice the interests of the Union. Their business is to apply the law in individual cases and decide them according to the provisions of the law and the facts of the case concerned. In adjudicating cases they are not expected to grind either the axe of the State or that of the Union. They will try them according to their best discretion and judgment. There may be

a strong case for the administrative machinery being separate in a federal union, but there is no such valid case in respect of the judicial machinery being separate for union and state purposes.

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Chapter XVI

UNITARY AND FEDERAL GOVERNMENT

The Nature of the Unitary System. Ideologically government may be monarchical or republican, despotic or democratic. But a democratic government in its turn may be organizationally unitary or federal. There are states in which the government is unitary. In such states all governmental authority is finally and ultimately located in one centre and vested in one body of men. This one government is the repository of all governmental power. The United Kingdom and France present examples of unitary government. In the former country all authority emanates from Westminster and in the latter country from Paris. In the United Kingdom there are diverse other authorities operating in different parts of the country. Mention may be made of local bodies like the County Councils and the Borough Councils. They have definite powers to exercise and definite functions to undertake. But they derive their jurisdiction and power from the government at Westminster. In France, similarly, there are a considerable number of local authorities like those of departments and communes but they exercise those powers only under the authority conferred upon them by the central government at Paris.

The Federal System. Opposed to the unitary system of government is the federal type which exists in countries like the United States of America, the Dominion of Canada, Switzerland and India. The federal system operates in a state which is a union of several states (or provinces) with a large degree of political and administrative autonomy. The component states are formed into a union and together constitute a state on its own account but the units do not merge their existence altogether in the union. They maintain their identity to a considerable extent. In the United States of America, for instance, thirteen independent states agreed in 1787-88 to form a federal union. This Union became a state by itself but the component states nevertheless maintained their identity.

They retained autonomy in respect of the field of authority which was left to them by the constitution. The federating or component states can still call themselves states but with an apology. They no longer have full sovereignty which is a basic attribute of a state. Their government exercises powers on its own account but only in a field limited by the constitution.

Federal government is dual government. Some of the powers are exercised by the common government (which is sometimes called central and sometimes federal government) and some of the powers are exercised by the state government. The distribution of power between the federal and state governments in a federation is one of the essentials which the architects of a federal union have to bear in mind. Several principles have so far been followed in this regard. In the United States of America the principle followed was that of enumerated powers for the federal government and the residuary jurisdiction for the states. The federal government was given authority only over those functions which should be discharged on a common basis. The conduct of foreign relations, the declaration and conduct of war, the conclusion of peace and international and inter-state trade were among the responsibilities delegated to the federal government. It was neither feasible nor desirable that they should be exercised by the governments of the component units. That would have created a kind of anarchy to stop which the federal union was brought into being.

The second principle, sometimes followed in regard to distribution of powers, is the opposite of the one just enunciated. The component states are given only some definite enumerated powers of local importance while the residuary jurisdiction is left to the federal or central government. It was with this principle in view that the founders of the dominion of Canada shaped the fundamentals of the British North America Act of 1867 which embodies the Canadian constitution. While the makers of the American Commonwealth wanted to maintain the states as the repository of residuary jurisdiction and delegate only a few essential common functions and responsibilities to the central government, the founders of the Dominion of Canada wanted to follow the opposite principle of delegating

some specific functions of a local character to the Provinces and retain the rest of the political field for the Dominion authorities. As a result of judicial interpretation, of course, Dominion-Provincial relationship in Canada has worked on a basis different from what was intended by the founders. But this should not interfere with our emphasizing the intention of the framers of the British North America Act, 1867.

The principle of distribution of powers between the Union and the States in India is different from what has been followed in the United States and is not altogether the same as the principle adopted in Canada. In the United States the powers and functions delegated to the federal legislature are alone mentioned in the constitution, it being declared that the residuary jurisdiction is vested in the States. In Canada there are two main lists, one denoting the functions and powers of the Dominion government, the second presenting those of the Provinces. In addition, reference is made to some functions over which there would be concurrent jurisdiction of the two governments. It should be further emphasized that the powers of the Dominion authorities would not be confined to those mentioned in the Dominion list. The Dominion government would be entitled to exercise other powers for making laws for the peace, order and good government of Canada provided these other powers were not in conflict with those assigned to the Provinces. In India the distribution of powers between the Union and the States has been more meticulous still. Three lists have been incorporated as schedules to the constitution of India—the Union list refers to the powers and functions of the Union government, the State list refers to those assigned to the States and the Concurrent list, which is fairly large, refers to powers and functions over which both the governments have jurisdiction. In addition to this if the question of exercising any power not referred to in any of the three lists comes up, the Union government will exercise the power. The constitution has definitely provided that the residuary jurisdiction vests in the Union.

Rigid Line of Demarcation. There was a time when it was regarded as an axiom of federalism that there must be a clear line of demarcation of authority and jurisdiction between the central and the state government. Each must clearly know

how far its own jurisdiction would extend and where the jurisdiction of another government would begin. Overlapping of fields of jurisdiction would be a negation of federalism. It did not very much matter where the line of demarcation was drawn. As one distinguished writer has observed 'the exact position of the line is not of the essence of federalism'. The line may be so drawn as to keep wider jurisdiction in the hands of the units (states) and lesser jurisdiction in the hands of the central government. It may again be drawn with greater partiality for the centre. But in any event the line must be clear and definite so that each government may be supreme in its own field and not encroach on the jurisdiction of the other.

But in modern times governmental complexity has grown to such an extent that the maintenance of the line of demarcation between central and state governments in a federation has become well-nigh impossible. Even in the classic land of federalism, namely, the U.S.A., it has not been feasible for decades past to keep to the line. Not only by judicial interpretation has there been a considerable accession of strength to the federal government in fields which had been hardly contemplated for federal jurisdiction by the founding fathers, but as a result of the operation of the federal grant-in-aid system the federal government has been allowed to have a distinct voice in the administration of those affairs which had been exclusively vested in states by the constitution. In consequence of this development the classical idea that in a federation two governments must have spheres of their own and their orbits would never cross has given place to what has been called co-operative federalism. Without this arrangement the two governments would not have separate spheres and fields of jurisdiction. Such separate spheres and areas of jurisdiction would be there. But at the same time there would be opportunities of co-operation and mutual assistance in many important fields as well. In India this co-operative principle has been carried very far in the working of our republican constitution.

Two Opposing Forces. We have referred above to the fact that under a federation it is not essential that the line of demarcation between federal and state jurisdiction should be rigidly

drawn. It may vary according to circumstances. This makes it necessary for us to discuss the circumstances under which the federal system of government becomes desirable and feasible in a region. Two opposing forces must be at work in the region and imbue the mind of the people there. There must be forces at work of union and of separation, forces of nationalism and forces of localism and state particularism. As a result of the operation of such opposing and conflicting forces the people in the region may desire union but not unity. They may desire to make the whole region their national political unit but at the same time they may not desire to merge altogether the identity of their different localities within this wider unit. People in different parts of the region may have sufficient unity of feeling and unity of purpose to form a union government and give allegiance to it in respect of affairs which touch the interests of the union as a whole. But in respect of more local matters and interests they may think only in terms of their own provinces. Each provincial unit may desire to have autonomy in regard to matters of provincial concern.

The thirteen American states which had been colonies of Britain but which had seceded from the British Empire as a result of the War of American Independence in the 18th century had together many common interests including the defence of the region against foreign intruders and invaders. They had again common economic and commercial interests which could be served best by a common government. At the same time they had a long and eventful history and tradition of their separate areas. They had learnt for two centuries to think in terms of their own colony (state) and did not want to merge its separate identity completely in the contemplated union. In the Indian Union most of the units were at one time provinces exercising authority as agents of the government of India. But gradually they became self-conscious, and became increasingly autonomous during the decades previous to independence. Now they are full-fledged federal units exercising powers derived from the constitution. Federalism is, in fact, a happy governmental compromise discovered in modern times by the American people in a difficult situation in which centrifugal and centripetal forces were pitted against each other

and neither a fully centralized government nor a fully sovereign provincial government was desirable and possible.

Of the two opposing forces of nationalism and state particularism again, one set of forces may be stronger than the other. If in a region where the provincial units are influenced more by centralizing forces and less by the forces of localism, it would be easy to make the federal government strong and powerful and the state (or provincial) government comparatively weak. But if the situation is the other way about, the federal government must be made weak and the state government strong. In the United States of America the forces of localism were very strong when the federal constitution was framed and would not allow a very strong central government being set up. In the Dominion of Canada, on the other hand, it appeared in 1867 that the forces of nationalism had far outdistanced the forces of provincialism, and in view of this distribution of feeling in the mind of the people it was decided to make the Dominion government strong and the government of the Provinces considerably weak. In India until recently national feeling was far stronger than provincial feeling. That would explain the large powers conferred upon the Union government.

It should be stated in regard to the juxtaposition of centrifugal and centripetal forces in a federation that the federal experiment becomes successful as a rule in an area in which the forces of localism are not too strong. Such forces must indeed be there by the side of a sentiment for union, but if they are too powerful the national sentiment may be altogether engulfed and the forces for union may be submerged. In the United States of America for over seventy years after the federation was brought into being the people were far more attached to their own states than to the union. The local forces became far too predominant and as a result of this the country had to pass through a civil war before the federal experiment could be made truly successful. From the experiences of different countries we may conclude that for the federal system to work without difficulty it is necessary that not only the local and centralizing forces should at least be evenly balanced against each other but that the balance should more incline towards the forces of centralization and nationalism.

Federation and Confederation. Federation should be clearly distinguished from another kind of union called confederation. Sometimes a confusion is made between the two either out of ignorance or deliberately. The Swiss state is, for instance, officially called the Confederation of Switzerland although there is no gainsaying the fact that the union is a federation. This is accounted for by historical reasons. In a federal union the central (federal) government has not only full authority over at least a few essential common subjects and is entitled to pass laws thereon but the implementation of the policies adopted is also the concern of that government. In other words the federal government acts directly upon the people as much as the state (provincial) government. Both for the execution of laws and policies as well as for the raising of revenue the federal government acts directly upon the people and not through the state governments. The federal government is not dependent upon the authorities of the units. The spheres of jurisdiction of the two governments are separate and each is supreme and has direct association with the people in its own sphere. The people living in the territory of a particular state owe allegiance as much to the state government as to the federal government. They have to obey and act on the laws passed by the central legislature automatically and not because the state government wants them to obey these laws.

In a confederation, on the other hand, the units (states) still remain supreme and fully sovereign. The people are their people and the confederate government cannot approach them except through the governments of the states. If it is to raise revenue, it has to make requisitions to the states and the state governments may or may not comply. If it adopts a policy, it can be implemented only if the state governments agree to it and decide to execute it. In fact, a confederation is a loose union usually brought into being to tide over a particular emergency and get through a particular difficulty. In consequence when a confederation is set up, the confederate government is entrusted with one or two specific responsibilities and this also it can discharge only with the willing co-operation of the state governments.

Such a union need not necessarily be a very temporary

affair. The Swiss union was for many centuries a mere league or confederation but ultimately in the last century it was transformed into a federation. But, as a rule, a loose union like a confederation does not last long on this basis. It may develop into a federation or it may die of inanition. So long as the union of different states remains organized on the basis of confederation, virtually only one government (the state government) holds the field so far as the people are concerned, the confederate government not being in direct touch with them and not directly acting upon them. It acts through the state governments. But when the union is effected on a federal basis, 'there are two governments,' as Bryce observes, 'covering the same ground and commanding, with equal direct authority, the obedience of the same citizen'.

Written Constitution in a Federation. While the two governments in a federation act on the same people, their spheres of authority are as far as possible separate and different. As has been emphasized already, there is a line of demarcation dividing the jurisdictions of the two governments as clearly as possible. In other words the distribution of powers between the federal and state governments is not something nebulous and uncertain but definite and clear. To this end it is necessary that the constitution under which the federal system would operate must be not only written but rigid. In a unitary state in which all governmental powers are exercised from one centre, the constitution may be either written or unwritten, rigid or flexible. The ordinary legislature which is the only instrument of legislation in the state may have the right to amend the constitution just as it would amend an ordinary law. Conventions may again be allowed to grow and determine the inter-relations of different factors of government. But in a federation in which the powers and functions of the federal and state authorities are to be clearly and definitely demarcated, such flexible and conventional basis of the constitution is inappropriate. A written constitution with its provisions clearly stated is not only desirable but indispensable. It must not again be subject to amendment either by the federal legislature or by the state legislatures, particularly in respect of the distribution of powers. There must be a separate and more difficult machinery for amending the constitution.

Federalism implies a balance of power between the federal government and the state governments. This balance of power will be upset and will have no significance if it can be modified at pleasure either by the central or by the state legislatures. It must be above them both.

Bicameral Legislature in a Federation. A bicameral legislature at the centre has usually been regarded as a desideratum of federal organization. It was at one time thought that the clear demarcation of authority between the union and the units was not enough. It was necessary that the federal legislature itself should be so organized as to make it responsive both to the forces of union and to those of particularism in the country. The national point of view should get its representation in the lower house and the state point of view should be represented in the upper house. The lower house would be the house of the union while the second chamber should be the house of the states. In the lower house different states would be represented on the basis of their population and this chamber would be intended to uphold the interests of the nation as a whole. But in the upper chamber the component states as such would be represented. In consequence as one state had the same status as another as partner of the federation, equal representation would be given to the different states irrespective of size and population. In the United States the state of New York has as much representation as the state of Delaware in the American Senate. Just as again the lower house is intended to protect the interests of the nation and the union so the upper chamber is to protect the interests of the states. This principle of equal representation of the different federal units in the upper house of the federal legislature has not been accepted in all federal unions. It is followed in the U.S.A. and Australia. It is the bedrock of the federal system in the U.S.S.R. But it has not found acceptance either in Canada or in India.

If a bill should be introduced in the federal legislature which is derogatory to the interests of the states as component units of the federation, it would be the duty of the upper chamber, as the house of the states, either to turn it down or to modify and dilute it. The experience of more than one hundred and fifty years has, however, taught people that whatever may be

the value of a second chamber in the federal legislature in other matters, it has largely lost its utility as a house of the states. Party organizations have for many years been strong in every democratic country and members as much of the upper as of the lower house vote on party lines. Consequently, the members of the upper chamber have seldom an opportunity of voting on state lines. But although it is virtually a myth that the second chamber in a federal legislature will be in any special sense the protector of the interests of the federal units, the idea of having such a second chamber as a concomitant of federalism has not died out. The practice continues.

1 *Need of an Umpire.* In a federal system both the federal and state legislatures are subordinate legislative bodies exercising only those powers which are given to them by the constitution. They are the servants of the constitution, and just as a river cannot rise above its source so these legislatures also cannot assume any jurisdiction which is not earmarked for it or left to it by the constitution. But if left to themselves alone, there may be intrusion of one government into the field earmarked for another. In order to make such encroachment impossible it is necessary to provide for a vigilant watch upon the exercise of their powers by 'an umpire independent of both'. This 'umpire' has been found in different federal unions like the U.S.A., Canada, Australia and India in independent courts of justice. Cases arising out of the interpretation of the constitution and the exercise of powers thereunder by the federal or state government would be brought before them and in deciding these cases the relevant courts would declare whether the actions taken have been in consonance with the provisions of the constitution or whether they have been *ultra vires* the constitution. In the latter case the actions would be invalid because of their inconsistency with the constitution. A distinguished American writer observes: 'Our Courts are the balancing wheel of our whole constitutional system.' It is their duty and responsibility to keep up the balance of power created between the federal and state governments by the federal constitution in the United States. In some countries as in India either the union government or a state government may be in doubt as to its jurisdiction in a matter in which it may contemplate taking action. In such

circumstances the matter may be referred to the Supreme Court for a declaratory judgment as to jurisdiction.

It may be repeated that any law passed either by the federal or state legislature may be declared by the courts as unconstitutional and therefore inoperative if it is in conflict with any provision of the basic law of the country, namely, the constitution. The supremacy of the constitution is the basic factor of federalism. It is ensured in most of the federations by the relevant courts of law. This is ordinarily called judicial supremacy. But this judicial supremacy consists in the guarantee of the supremacy of the constitution of the country over ordinary legislative enactments and executive acts—guarantee provided by the duly empowered courts of justice. It should, of course, be pointed out that in some of the federations there is no such judicial supremacy. In Switzerland, for instance, the Federal Court can declare a cantonal law invalid on the ground of its inconsistency with the federal constitution, but it cannot do so in respect of a federal law. In the U.S.S.R. also the Supreme Court has not been given any definite jurisdiction as to the validity of laws adopted either by the Supreme Soviet of the U.S.S.R. or by the Supreme Soviets of the Union Republics. This jurisdiction has been given in the U.S.S.R. to the Presidium of the Supreme Soviet of the U.S.S.R. Judicial supremacy has been regarded by many with considerable justification as a basic factor of federalism, but its absence should not by itself be regarded as undermining the federal character of a constitution.

Federalism and Quasi-Federalism. Sometimes a distinction has been made by writers between what is called federalism proper and what has been described as quasi-federalism. There may be demarcation of authority between the federal and state governments, but not only may federal jurisdiction be unduly wide but even over what is state jurisdiction the federal government may be given some say. Usually such federal organizations are called quasi-federal. It should be stated clearly that in the present world not only has governmental authority increased and functions of government multiplied but formulation of plans in regard to the discharge of responsibilities of even provincial character has become indispensable on a national basis. Central control has consequently

increased and central-state co-operation has become essential. This has been the trend in all federations. It has been referred to above that even in the United States of America which is the land of classical federalism there has been considerable blurring of the line of demarcation between federal and state jurisdiction. It has also been pointed out that this new federalism of today has been called co-operative federalism. In India and the U.S.S.R. this co-operation between the federal and state authorities had to be carried further because of the needs of planning. On this account it would be better if, instead of calling Indian and Soviet constitutional systems quasi-federal, we regard them as examples of co-operative federalism.

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Chapter XVII

PUBLIC ADMINISTRATION

Growing Burden of Public Administration. Public administration was, in most countries till the middle of the 19th century, a comparatively simple affair. It was in consequence of this that little stress was laid on the study of this subject. Emphasis was put on the forms of government, on the extension of franchise, on the electoral organization and on the setting up of second chambers in legislatures. But until Sir Charles Trevelyan of the British Treasury paid his attention to the question of better recruitment and organization of the civil service in Britain in the forties and early fifties of the last century, actual day-to-day administration was not regarded as a very serious affair. It had evolved in Britain in a rough and ready manner. In France some conscious attention had been paid to it by Richelieu in the 17th and Napoleon in the early 19th century. In Prussia also after the Treaty of Tilsit some conscious steps were taken for tightening and improving the administrative organization. But these were elementary steps; perhaps more than this was not required in that age.

The condition of things began to change before the mid-19th century. The industrial revolution which began in the late 18th and was completed in the 19th century brought its own problems. The advances made in science demanded changes in the technique of work in many fields. In any event not only functions of government and problems of administration multiplied but the methods of administration had also to be adjusted to the new circumstances. Both the machinery of carrying on the administration and the principles of recruiting and training those who would run this machinery had to be improved in the light of changing times.

In Britain the central government has had the advantage of not being burdened with the general administration of the localities. Even the maintenance of law and order has been treated as a local responsibility. In 1829 the police organization in the Metropolitan area of London was made a central

responsibility. But outside this area, police duties are not performed by the government at Westminster. Even to this day policing is a local function though there is considerable control exercised by the central government in diverse ways. In fact, unlike India, Britain has no district administration entrusted to the care of the central government. The burden of public administration as conducted from Whitehall is to this extent lightened in Britain.

But after the Napoleonic wars and particularly after the passing of the Reform Act in 1832 governmental functions increased and became progressively complicated. Even when the principle of *laissez-faire* was in the ascendant in Britain, the government had under force of circumstances to undertake responsibilities which could be dubbed as socialistic. With the growth of new functions and the increasing complications in the performance of old duties it had to be brought home to the government that there must be improvement not only in the technique of work but in the qualifications and training of those who would constitute the main instrument of administration.

In India in the 18th and a large part of the 19th centuries administration was still simpler. To stem the tide of anarchy which had swept over the country after the death of Alamgir, maintain law and order, systematize the revenue rules and organize proper land tenure system, these were the main functions of government. It was in the districts that these functions were mainly to be carried out. In fact, from the days of old, Indian administration had largely meant district administration. The state would be divided into a number of provinces and each province would be in its turn subdivided into a number of districts. The districts might be divided again into smaller units. At the bottom of the ladder there would be the villages. Not that the central government was not important. In fact, it was a vital factor. Without it there would be the dissolution of the state. The central government would have an organization and staff of its own. It would be responsible for the enunciation of policy for the whole, and it would see to it that this policy was being put into operation by the provincial governors and the heads of districts. People, however, lived in the districts and in consequence the

general administration including the maintenance of peace and order was, therefore, vital so far as it was run by the district officers. It depended largely upon them whether the people would live contentedly and act loyally.

When British rule was established there was at first some fumbling as to what should be the most important administrative unit of the state. But soon the tradition asserted itself and the district system was confirmed. Not only throughout the 19th century but practically until the close of British rule all the emphasis was put on district administration, although the importance of the secretariat which was at first a very simple affair grew with the change of circumstances. Never during British rule was the secretariat allowed to overshadow the district administration. Since independence, however, there has been a tremendous growth of public functions both at the Union and at the State level. A socialistic pattern of society is the objective in view on which the government is planning and acting. In view of this the importance of the secretariat at both levels has increased several-fold. As the plans formulated and the duties chalked out are intended to a great extent to be implemented in the districts, the importance of the district administration should not have been minimized. But actually by the side of the administration which the central or state governments have to conduct through agencies other than those of the districts, the district administration has suffered to a considerable extent in recent years. With independence the era of development has set in. In the changed circumstances the work of planning, of budgeting according to plan and of framing policies in the light of circumstances has become important and primacy has to be given to it. In other words secretariat work has become paramount. By way of implementing schemes of development again public corporations and allied institutions had to be set up and run. They have also demanded considerable attention. All these have overshadowed district administration. But this does not mean that the importance of district administration should be belittled. In fact, it is still the pivotal factor of public administration in India. Upon its efficiency depends the future of the country. The work in the districts may not be spectacular but it is vital.

Civil Service—Recruitment and Training. We have now to proceed to know something of the persons who are entrusted with the responsibility of not only conducting the day-to-day administration but of advising the higher (political) directory as to the policies to be introduced. This responsibility is vested in the civil service. In Britain there are three civil services—(i) Foreign, (ii) Colonial, (iii) Home. Most of the departments at Whitehall are manned by members of the Home Civil Service. In fact, those who serve in the Foreign Office (together with those who perform diplomatic and consular work abroad) belong to the Foreign Service and those civil servants who work in the colonies belong to the Colonial Service. Consequently, all civil servants at Whitehall other than these belong to the Home Civil Service. Irrespective of the kind of work they perform and the department they serve, they belong to this service. They are, however, divided generally into three classes according to the nature of responsibility they have to bear. Recruitment to the three classes is made separately at different ages of candidates on the basis of different examinations although promotion from one class to another is possible.

In India there is one All-India civil service (in British days I.C.S., now I.A.S.) for general administration and two such services in each state for the same purpose. In addition there are more than a dozen other services organized on a functional basis. There is, for instance, the I.P.S. which is an All-India Service with its members engaged in superior police work all over the country. Side by side there is in the states a state police service divided into several classes. The officers in these services discharge the same police duties with, however, less and less responsibility. Both in the states and under the central government there are again other technical services. There are, for instance, the Income Tax Service, the Customs and Excise Service, etc., operating under central control. Similarly, in the states there are the Commercial Tax Service, the Excise Service, etc., operating under the state governments. There has been a proposal that the different services should be amalgamated into one service. But as each service has had its own tradition and is working according to its own rules and what is more as each has provided so far its own field

training, the amalgamation may create more problems than it may solve. Besides, Indian Union is federally organized. In view of this it is not unnatural that the states which are the components of the federation would like to maintain their own executive agencies although they may be willing to act in collaboration with the Union government in respect of some services.

The idea of holding an examination for the choice of men for the civil service is of Asian origin. In Britain the idea that the duties of land-holding and those of a governmental nature should be combined in the same hands long held the ground. It is true that in England in Tudor times the practice of composing the Crown secretariat of middle-class people was evolved. This was done in order that the feudal barons who were still very powerful might remain to some extent under check. In the 18th and the first half of the 19th centuries, however, the government was aristocratic and the civil servants who were recruited by patronage belonged also very largely to the same order. But this was an arrangement which might suit a simpler age. It became an anachronism in the middle of the 19th century when governmental responsibilities considerably increased and governmental duties became increasingly complicated. It may be repeated that Sir Charles Trevelyan, Permanent Secretary to the Treasury, instituted enquiries and suggested reforms during the forties of the last century. Finally, William Gladstone, as Chancellor of the Exchequer, appointed a committee with Sir Charles Trevelyan and Sir Stafford Northcote as members to enquire into the conditions of the civil service organization in Britain and make recommendations. This committee recommended unification of the services operating in the different departments and their recruitment on a central basis by a central board. Further it recommended that the central board would make recommendations as to recruitment on the basis of an examination.

•The principle of an open comprehensive competitive examination for the recruitment of the Indian Civil Service was accepted in 1853, but so far as the British civil service was concerned it had to wait till 1870 for acceptance. The system of examination for the Indian Civil Service was decided upon

by a committee of which Macaulay was chairman. It would be a comprehensive examination on subjects which the candidates would ordinarily read in their Honours courses in the Universities. The examination would not be on subjects which a civil servant would be required to tackle after appointment. It would be on subjects the knowledge of which would strengthen their understanding, invigorate their mind and discipline their intellect. The examination would be held to test merit and not to test knowledge. This knowledge of practical subjects a civil servant with a well-stored mind and disciplined intellect would be able to pick up within a short time while in service. The government accepted the recommendations of the Macaulay committee and the examinations for recruitment to the Indian Civil Service were held annually thereafter. When again in 1870 the principle of open competition for the British Civil Service was adopted, this system of examination was introduced there as well. This principle of examination has differed fundamentally from the system of examination which has been held in the United States of America since 1883 for the recruitment to the Federal Service. In the latter country there is a separate examination for each class of post. The candidates are tested not for their general merit but for their knowledge of the subjects they would be called upon to handle after recruitment.

The principle of holding a comprehensive examination on cultural subjects for recruitment to the civil service, accepted for the Indian Civil Service and later for the Home Civil Service in Britain, has been followed in India to this day for choosing officials for the different civil services, All-India, Central and State. These examinations are, of course, followed by a personality test on which also some emphasis has been put since the close of the first World War. In the United Kingdom, in fact, a new school which puts more emphasis on the personality test than on the written examination has grown up since the second World War and commands to a great extent the ear of the government and the public. In response to its advocacy, it has been arranged that for recruitment to the administrative class of the Home Civil Service in Britain two methods would be followed—Method I and Method II. Method I is the traditional method of a comprehensive examination, now fol-

lowed by a *viva voce* test. Under Method II, candidates who must have the preliminary qualification of having to their credit at least a second class Honours degree of a University would be called upon for an 'extended interview' for three days (from morning to evening everyday).

The principle of training after recruitment has not only differed from country to country but has differed in the same country from time to time. In Britain, for instance, the principle until recently was that of training exclusively on the job. Once appointed a civil servant would be posted to a department and there he would pick up the technique of work by doing a job. But of late the idea has grown that not only during the probationary period should civil servants have the benefit of some lectures by specialists, but the idea is growing that there should be a central training school where the civil servants may pass a useful period of training after recruitment and where they may return at intervals during their career for refresher courses. In India the system of training differs from service to service. For the members of the Indian Administrative Service a one-year comprehensive training in the National Academy of Administration is compulsory after recruitment. It is only after such training that the officers are posted in the districts for training on the job. For central services there is provision for foundational training for four months in the same National Academy of Administration and after that the probationers have to undergo for a year and a half training on the job. In some of the states also a training school has been set up, but in other states the probationers after recruitment have to undergo training only by doing a job.

In order that there might be no suspicion that civil servants were being recruited on the basis of political affiliations and not strictly on the basis of merit it was arranged in Britain that there would be an impartial civil service commission to which would be entrusted the duty of holding examinations and making choice. The Civil Service Commission has been there since 1855. Without its certificate no civil servant can be recruited on a permanent basis in that country. In India also under the constitution of the country there is a Union Public Service Commission for recruitment to the All-India and central services, and in the states there have been established state

public service commissions. In this country these bodies are not only responsible for choosing candidates but also for recommending promotion. Besides, when any disciplinary action is to be taken against any civil servant, the advice of the requisite public service commission has to be taken by the government concerned.

We have emphasized already that district administration has not ceased to be as important in India as work either in the secretariat or in the public corporations. During British rule there was the practice of interchanging superior staff between the districts and the secretariats. The officers in the districts would be brought for a limited period to the secretariat and when the term was over they would revert to district work. Again after an interval all or some of them might be brought back to the secretariat. Consequently, in the secretariats only the subordinate staff would be permanent. The superior officers like the Secretary, Deputy-Secretary, and Under-Secretary would have a short tenure of office. In the provincial secretariats the tenure was for a maximum of three years, and in the secretariat of the government of India it was for a maximum of five years. This practice ensured that both the districts and the secretariats would have the benefit of the best talent flowing into the civil services. This arrangement was easily possible in an age in which the work of the government was simple. But since independence this work has not only increased enormously but has become progressively complicated. As a result people who are brought into the secretariat from the districts remain there either permanently or at least for a long period. Reversion to district work is, in fact, regarded sometimes as demotion.

Local Bodies. The hand of the central (including state) government cannot and should not reach all spheres of public administration. The different localities, both cities and rural areas, have problems of their own and they should be solved as far as possible on local responsibility and initiative. In a democracy again it is essential that there should be as many centres of thought and action as possible. Democracy cannot flounder and, in fact, becomes moribund in a state in which the general voters have opportunities of voting for candidates once in five years but have otherwise no part or lot in the manage-

ment of public affairs. It has been well said that 'local assemblies of citizens constitute the strength of free nations. Town meetings are to liberty what primary education is to science'. Not only are local affairs better and more efficiently performed when their management is entrusted to the local people but these people acquire training and experience in public management first in the local field and thereafter they can turn this to account when engaged in the management of larger affairs of the country.

In England we notice a network of local self-governing authorities. The rural areas are organized into counties and inside the counties there are small towns called boroughs or urban districts and side by side there are the rural districts. The rural districts are divided into parishes. There are again some towns which are far too large to remain inside a county. They have themselves been given the status of counties. They are called county boroughs. In France the whole country is divided into small units called communes. Above them are higher units of local government including the highest unit which is called the department. In India the organization of local self-government is gradually taking a uniform character throughout the country, on the basis of what is called the principle of democratic decentralization. The first principle which is uniformly followed throughout India is that the municipal areas are kept definitely distinct from the rural areas. No area which has been given a municipal status comes under the control or supervision of any rural body. Its affairs are managed by its own municipal board and whatever supervision and control are to be exercised over it are exercised by the state government either directly or through its district officers.

During the second half of the era of British rule in India small and large towns were given municipal responsibilities of their own. The rural areas were organized, in the first instance, into district boards whose jurisdiction was co-terminous with the whole administrative district minus the municipal areas. Under the district boards again there were local boards in the subdivisions. Each subdivision was again divided into unions, each union consisting of nine or ten villages. The local affairs of the unions were looked after by Union Boards. It should be stated that in some provinces of India there were

no district boards whose powers and functions were assigned to the local boards. The Union Boards again were not brought into existence in all provinces. In many areas in their place there were the panchayat authorities. Since independence rural self-governing organization in India has been in a state of flux. India is now a full-fledged democracy, and it has been appreciated that unless the village people are properly trained to take an intimate and intelligent interest in public affairs, this vast democratic experiment cannot succeed. Accordingly every effort is being made to carry democracy to the villages and along with it the amenities of life of which the village people have so far been deprived. For every large village and for a cluster of two or three small villages there would henceforward be a village panchayat, an institution constituted democratically and run on that basis. In fact, this panchayati raj, which was first experimented in U.P. has already spread through a large part of the country and is likely to be of universal operation in the near future. The higher rural units are being geared to this panchayati system. Organizational changes are in consequence being gradually undertaken.

Local bodies are set up by the legislatures of the states (in a federal union by the constituent states) for the discharge of functions of local importance. Local roads, local education, local building rules, local lighting, local sanitation including drainage and local medical assistance (involving personal health) are some of the usual functions assigned to the local bodies. The organizational principles and the methods of administration are determined in the legislative enactment under which the local bodies are established and allowed to function. The state, in fact, exercises full legislative control over these institutions. There are, of course, differences in detail in this regard between one country and another. In Britain the state law is rigid and inflexible. It not only provides the basic rules under which the local bodies would be organized and would function but it clearly lays down the powers which they would exercise. They cannot exercise any power and deal with any function unless they are provided for by an Act of Parliament. In the continent of Europe legislative control is less rigid. While the organizational principles are laid down in detail, the functions and powers

are laid down on a general basis. In the United States of America again there has been in some places a reaction against rigid legislative control of the states over the local bodies (particularly municipal bodies). The principle of home rule has been accepted in these areas. By the operation of this principle the localities would have the right of determining their own charter of local government. This does not eliminate legislation by the state but it undermines its rigidity. In India the British tradition of full legislative control has been maintained and the local institutions are organized and they function only as the law passed by the state legislature happens to direct. That is the basic law and no local body can overstep its limits.

While in Britain full legislative control is exercised over the local bodies by the government, administrative control before the development of the system of grant-in-aid was exercised only in a few specific matters. But the evolution of the grant-in-aid system has been accompanied by detailed administrative control over the functioning of the local bodies by the administrative departments at Whitehall. Without these grants the local institutions cannot be run properly and no local body would dare to refuse the grant which would be available from the government. The resources of even the county boroughs are limited and unless they are supplemented by government grants it would be impossible even in these areas to offer the necessary amenities to the people. But the grants are accompanied by conditions the fulfilment of which involves control from above. The recent tendency is to make grants on a lump basis, but even then the administrative control of the government largely remains. In the continent of Europe where, we have seen above, legislative control is more general and flexible, administrative control is more rigid. The local bodies may undertake many functions and exercise powers, but this exercise of power is subject to approval by the higher administrative authorities. Administrative control from above is, in fact, the keynote to local self-government there. In India full legislative control is coupled with considerable administrative control. This administrative control is again independent of any grants made by the government. Grant or no grant, the administrative control will be there. In big cities this control is exercised over certain specific matters but so far as the district municipali-

ties and rural local bodies are concerned the control either by the district officers or by the government covers every important sphere of action.

Apart from the legislative and administrative control referred to above, local bodies in both Britain and India are subject to judicial control as well. It is open to the Government to proceed against a local body judicially if it does anything beyond its jurisdiction. Although such power is there in India as well, there is very little opportunity for its exercise because the administrative control is so enormous as to make judicial control superfluous. But so far as a private rate-payer is concerned he may feel aggrieved by the action of a local body and he may resort to a court of law for remedy.

Public Corporations in England and India. In the present century there has been a rapid transformation in the character of the state and the nature and extent of the functions of government. The police state of the 19th century has become by rapid strides a welfare state in many areas. The government has been compelled both by choice and by the force of circumstances to assume responsibilities in strange fields. The post office since it was organized on a modern basis in the 19th century has been under government management. But it has always been managed as a government department. The responsibility for managing it is vested both in the United Kingdom and India in a minister who is accountable to the legislature not only for the broad policy underlying its management but for the details of the working of the department. When again the railways were one by one taken over by the government of India, their management was similarly entrusted to a member of the government. It is true that there is a railway board which looks after the operation of the railways. But simply because there is a board, it should not be regarded as in any way an autonomous body. Such a body was envisaged in the Railway Authority provided for in the Government of India Act, 1935. But the federal portion of the Act was never put into operation. Today the existence of the railway or postal board should not give the impression that it very much lessens the responsibility of the minister in charge. He is accountable to the Parliament for the management of the department in every particular. The only sign of the special

position of the railways in relation to the rest of the governmental functions is found in the separate budget for the railways.

But during the last few decades the idea of government management of many important functions has considerably changed. In a developed country some of the industrial and commercial concerns which had been so far in private hands had to be taken over by the government because of their being an essential service and also because of their basic monopolistic character. Here and there again a multi-purpose concern had to be undertaken for the first time under public auspices. A cultural project had again to be developed and run under the same auspices. In an underdeveloped country like India new concerns had to be set up for industrial and commercial development and this on the initiative of the government. The question arose as to how these concerns now under public control should be managed. A government department can be managed only under innumerable rules of a restrictive character. The officers in charge have not the same latitude and the wide authority which those in charge of industrial and commercial concerns have in the private field. The latter have wider scope for exercising initiative and taking risks. The management of a government department is, on the contrary, hide-bound by rules. Under such restrictions the traditional duties of government might be performed, but the new responsibilities would not be properly discharged if the same restrictions bound down the management. Industrial and commercial concerns whose management has been placed under public control must be managed as far as possible under the same conditions prevailing in a private undertaking.

Accordingly the idea of having public corporations for the management of these new concerns was born. Quite a number of such corporations has been at work in the United Kingdom. The examples of the British Broadcasting Corporation, the National Coal Board, the British Transport Commission and the British Overseas Airways Corporation may be cited. The persons who constitute the corporation are appointed by the relevant minister, but apart from this the control of the government over the way a corporation manages its affairs is very small. It is open to the appropriate minister to issue general directions to a corporation after, of course, necessary consulta-

tion with the members of the board and properly appreciating the manner in which the board has managed its affairs. Over the day-to-day administration, however, he exercises no control and has not been given any voice. The British Treasury exercises, however, some control in different financial matters. In respect of borrowing, for instance, it is compulsory for the board to apply to the Treasury for sanction of the loan. Parliament which acts as a watch-dog upon the administration of all government departments has virtually imposed upon itself self-denying ordinance in respect of the public corporations. Neither the Public Accounts Committee nor the Estimate Committee of the House of Commons has been given any jurisdiction over the affairs of the public corporations.

There is in view of this very little opportunity of a parliamentary debate over the affairs of these bodies. Even the questions which a member of the Parliament puts to the ministers in respect of the working of their departments and which help very much in keeping the administration straight have to be of a very limited character if they relate to public corporations. Not only are the ministers not accountable for the day-to-day administration of the corporations but they are not as a rule acquainted with its details. They keep only general information and are responsible for giving general directions. In view of this the questions have also to be of a general character. This is, however, a state of things which is not to the liking of many. They point out that they created public corporations for better and more expeditious despatch of business. Otherwise they would have resorted to the regular departmental management. But while the public corporations are ensuring the maintenance of appropriate methods in administering their affairs, it was not to be forgotten that the public corporations were not a state within the state. It would be a strange state of affairs if they were not in any way responsible to any public authority. Accordingly it has been arranged that a special committee of the House of Commons will go into the affairs of the public corporations and keep Parliament well posted as to the trends of affairs in these institutions.

In India also we have had in recent years a number of public corporations of which the Damodar Valley Corporation

and the Life Insurance Corporation are examples. The relations between the public corporations and the government are in India closer than in the United Kingdom. The accounts are audited under the supervision and control of the Comptroller and Auditor-General. Secondly, as money invested in these bodies has been appropriated from the Consolidated Fund, there is far greater opportunity for parliamentary debates upon the affairs of these bodies than in the United Kingdom. At one time it was again not infrequently the practice to appoint an officer of the Secretariat as Chairman of these corporations, the officers filling the dual role of Chairmen of the corporations and Secretaries to the government. This practice has been discontinued. But officers of the government are still appointed as chairmen of the corporations though they are not at the same time to fill a high office under the government.

In the short experience of public corporations we have had in India it is difficult to say how far they provide a more efficient method of public management. So far we have not felt much of a difference between departmental management and management by public corporations. Chittaranjan Locomotive Works which is a departmentally conducted institution does not seem to be less efficiently managed than a public corporation. We shall have to gain further experience to say categorically whether public administration on the basis of public corporations has come to stay.

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Chapter XVIII

FUNCTIONS OF THE STATE

THE creative self-fulfilment of individuals and the free development of their capacities constitute the primary end of the state. The state, therefore, must act to regulate the desires of individuals which, if unrestrained, tend to encroach upon the legitimate demands of other individuals and impede the full and free expression of their personalities. The primary function of the state is to maintain the comprehensive framework of an all-embracing social order. But whenever a particular government wants to serve the needs of individuals it finds the demands of individuals often divergent and incompatible. It has to work out compromises while trying to respond to their conflicting demands. Compromises may be better achieved when there are possibilities of experimentation. But the activities of a government affect all the individuals under its jurisdiction. The scale of its operations is too vast to allow experiments. This automatically sets a limit to the operations of the government.

Again, only in a rare case will the policy of a government be approved by all the individuals. However well-designed a policy of the government may be, it is almost sure to have some opponents. Opposition to the government's policy, even if not boldly expressed, is most likely when it tries to regulate those activities of individuals whose value derives from their spontaneous performance and the unfettered initiative of the performers. No government is fully at liberty to shape its functions as it may desire. It has to maintain its power. It has to act amidst a welter of diverse interests. The activities of a government are often manoeuvres to preserve power. It may start or suspend an activity simply to satisfy supporters or frustrate opponents without any regard for the fundamental needs of human personality. The functions of the government, furthermore, are limited by the attitudes of the people, their level of education, and the myths pervading the community. The government cannot all of a sudden act in such

a way as to change these overnight; its functions are almost invariably influenced by these factors.

Opinion and State Control. Opinion should lie outside the sphere of governmental regulations. The case for freedom of opinion has been convincingly argued by J. S. Mill in his essay on liberty. When a government seeks to control opinion it may proceed to suppress a new opinion which is wholly true or wholly false or partly true and partly false. The community is obviously a loser if the new opinion is totally true and it is suppressed by the government. What happens is not merely a suppression of the opinion but also of the mind which created the opinion. Man's inventiveness is curbed; progress is obstructed. The onslaught on opinion is ultimately an onslaught on opinion-forming creativity. When the government suppresses an opinion it assumes its own opinion on the subject to be true; but it does not permit a contest between the opinion received by it and the opinion rejected by it; and without such liberty of refuting an opinion its truth cannot be rationally ascertained. Then, if the novel opinion is false, it need not be suppressed by the government. The government should allow it to circulate side by side with its competitor, i.e., the true opinion. As the true opinion outlives the false opinion, ultimately it wins great recognition. Usually the new opinion is partly true and partly false, just as usually the opinion favoured by the government is not entirely true. The opinion accepted by the government may neglect some matter which is possibly emphasized by the new opinion. The government, therefore, should not suppress the new opinion just because it does not tally with the opinion already accepted by the government.

Any government will try to safeguard its power to rule the people; but it should also secure the conditions of progress. It should, therefore, not merely tolerate but also encourage diversity of opinion. Masses have almost an incurable tendency to promote uniformity of opinion; to the common people orthodoxy is comforting, heterodoxy is unsettling. But the progress of civilization is mostly due to men of exceptional calibre refusing to be enslaved by conventions and customs and nurturing extraordinary opinions and ideas. The government can play an enlightened role and prevent the average

people from imposing the tyranny of customs upon men of genius; it removes thereby an obstacle to progress. It succeeds in providing leadership where society fails.

Instead of assaulting opinion directly the government may act in an insidiously indirect manner. It may institute censorship of the Press and prevent the people from knowing facts on which opinions are based. Censorship hinders the free examination of facts by different minds out of which truth can emerge; the government should not function in such a wasteful manner. Even if the government aims at eliminating errors by means of censorship it is committing a mistake. Competition of opinions will destroy errors; censorship is superfluous.

The government, however, can legitimately claim the right to restrain an opinion that advocates law-breaking. Incitement to law-breaking jeopardizes the very existence of the state as it challenges the fundamental social order. Since it is the primary task of the state to protect that universal social order it can exercise coercive power to curb the opinion urging deliberate violations of law. Especially in a democratic state there is an opportunity to transform opinion into law by peaceful discussion and the creative interaction of rival opinions. But if an opinion aims at the destruction of law-abidingness it is opposed to the quiet contest of ideas, as it is opposed to the sanctity of opinions. An opinion urging forceful disruption of the existing government can be justifiably repressed by force, because the opinion itself upholds the rule of force. The state is endowed with coercive power because it is relied on to exercise that power according to law. It will apply force to smother an opinion that advocates unlawful use of force. An opinion seeking changes in the law can be clearly and convincingly expressed although it soberly avoids incitements to law-breaking. A government is aware that the foundations of its authority are tottering when opinions provoking disloyalty to laws are being vehemently ventilated. But at the same time it must preserve its power in order to maintain the comprehensive framework of legal order and, therefore, muzzle opinions inciting disobedience to laws.

Culture and State. The culture of a community has a thousand hidden springs that are not amenable to state control directly or in every important detail. Man makes life

meaningful in diverse ways which are not even sometimes known to the rulers, or, even if known, do not concern them very much. Man practises art and music, cultivates science and literature and develops culture. The government, of course, influences culture in the sense that its daily activities inevitably impinge on the behaviour and attitudes of individuals and groups. But even the most autocratic government will fail to control the endless intangible inner forces in the community creating culture. Some, but not all, aspects of culture may be dominated by the government; some, if not all, culture-sustaining pursuits will always elude governmental control. Culture may respond to, but it will not be totally regulated by, governmental pressures. The state is ill-equipped to regulate the spirit of the community.

History offers abundant illustrations of how men in power have tried to impose the cultural pattern favoured by them on others. Governments have been found to persecute men propagating cultural schemes not conforming to what the governments approve. Governments have indeed the power to demand that poets or painters must produce works praising the activities of rulers. Artists may face the alternatives of high-salaried sycophancy or starvation and even secret murder due to the pursuit of truth. The power and arrogance of the rulers may be made the touchstone of truth. Rulers try to patronize the arts, frequently in order to satisfy their vanity. They can employ architecture to further their own purposes, e.g., they may erect monuments celebrating a victory in war and enhancing their prestige.

In the modern age cultural diversities characterize almost every state. Differences in thoughts and creed, attitudes and impulses are tenacious and evergrowing. The government cannot afford indifference in all cultural matters. One group may threaten the cultural freedom of another group, one sect may adopt corrupt means to force its views upon unwilling outsiders or vacillating opponents. In such a situation the decision of the government not to discriminate in favour of this or that group as against others will not suffice. The government must not stay impartially aloof; it must impartially interfere. It must protect weaker cultural groups against cultural inroads by the stronger groups. Unless it performs this

function, genuine cultural freedom will be imperilled. A group may be guided by prejudices, racial or religious; if its activities happen to exert a considerable influence on national life other groups may be severely injured and national unity may be adversely affected.

It is the function of the government to adopt precautionary measures against such situations or to minimize their impact; this would strengthen national solidarity. It is also the duty of the government to preserve the cultural heritage of the community; it must not shun the responsibility of protecting libraries or museums against disorganization, debasement, or fanatical orientation. Today the government accepts it as one of its major functions to provide educational facilities so that illiteracy is wiped out and a minimum standard of literacy is assured. If the government performs this job conscientiously it will not only add to the strength of the nation, it will also add to its own strength. Expansion of educational facilities is conducive to national progress; it also increases the popularity of the government whose power appears to be justified by the benefit it confers on the community. Of course, education may open the eyes of the people to the evils of the existing system and undermine the foundations of governmental authority. An ignorant man may be slow or unable to detect the mischiefs done by the government; even when able, he may not be as perturbed as an educated man. The government may mean well when it introduces, for example, compulsory primary education; but this may prove to be its undoing. On the other hand, it may insure against such a predicament by means of skilful propaganda. The government can work wonders, as demonstrated by Hitler's Germany, with cunning indoctrination and establish an inexorable sway over men's minds; men begin to accept automatically but not unwillingly whatever the government exhorts.

Customs. The government should be aware of the limits of its power in the field of customs. It does not, in general, make or unmake customs, although its activities undoubtedly exercise some influence on the growth of customs. The tact of the legislator and the endurance of the people will determine the degree of such influence. Some customs are deeply rooted and touch the dearest convictions of the people; others are not.

Violation of some customs by the state will make the people a little ruffled; violation of others may rouse them to a frantic resistance. A custom, however, may be so outrageous that an enlightened government may decide to stamp it out and incur the risk of serious public disaffection; it then assumes the responsibility of changing popular beliefs by steadfast advocacy of a new principle. But any attack on customs must be cautious; men, instead of sacrificing customs easily, will try to find out means of evading a law that crushes a custom. That will defeat the purposes of law. Clever adherence to customs may kill a particular law; moreover, this may breed disrespect for law in general. A dictator will often uphold the customs of a country in order to win popularity; if he does not, and yet stays in power, he is either too enlightened or too cruel. One of the first principles of imperialists has been to show respect to popular customs even though these are repugnant to the customs of the conquering state. Customs, thus, are utilized to strengthen the authority of the new, suspicious, self-appointed rulers.

Religion. In matters of religion, too, the limits of state control can be easily perceived. Religion is not a product of the commands of the state; religion was not born in the ancient days in response to the dictates of any state; the state itself did not emerge at that time. The hazy beginnings of religion are to be traced in the helplessness of uncivilized human beings overawed by the forces of nature. In sheer desperation they began to worship the unknown which, they imagined, would be propitiated and protect them against natural calamities. The priest came in to exploit the fear-struck individuals; if he happened to possess some magical capacities he would safely enjoy his authority. In many ancient polities the priest was the ruler. Often the ruler and the priest worked in close co-operation, exercising authority over the less clever. The priestly class in ancient Egypt held sway over the rulers. In ancient Greece, on the contrary, the rulers dominated the priestly class. The question of predominance of either the priests or secular rulers remained open for centuries; conflict or co-operation between them was not settled as a matter of principle. Rulers would have accepted as official one particular religion, would attack or be attacked by

religions which were not official or established. Christianity posed a formidable challenge to the decadent Roman Empire; the Empire averted the challenge by embracing Christianity. In the Middle Ages the Church became a powerful organization and sought to dominate the secular rulers. It asserted that it had a right to exercise power over the political officialdom since it possessed a divine authority. The secular government, expectedly, was not convinced of the truth of this claim. The result was friction, a contest in pretensions, unsatisfying compromises. The Church and the state stood for two competing hierarchies. Competition stopped when renaissance states nationalized religion; the myth of sovereignty supplanted the myth of divine authority being vested in the Church; state absolutism subdued the authority of the Church.

The multiplication of religious creeds led to conflicts and persecutions. In the 16th and 17th centuries Western Europe suffered heavily due to religious persecutions. Dissenters and non-conformists frustrated the attempts of the Church—and also of the renaissance states—to clamp religious uniformity. The failure of the renaissance states to enforce religious conformity clearly showed the limit of state authority. It taught the states that religious uniformity was not a practicable goal; that adherence to a particular religious faith was not a necessary condition of citizenship. The growth of toleration was advanced when suppression of non-conformist creeds was rendered difficult by the support these drew from political parties. Intolerance gave way to tolerance also because the concept of religion began to change. Religious organizations slowly accepted the view that a diversity of religious convictions was not opposed to a true religious spirit, for religion was a matter of personal beliefs. They renounced claims to political authority and tried to steer clear of political difficulties. This was the escape from difficulties involved in competition for political power or subjection to the government-patron. The Church sought to avoid political dependence by disavowing propensity for political authority. The development of toleration was further facilitated as the people became more enlightened. Gradually the people began to pay less and less emphasis upon religion and denied that it was an essential element of citizenship. Their association

with a church was often purely nominal. As citizens felt they could exclude religion from the purview of political loyalties, the state was encouraged not to insist on any religious qualification for citizenship. The state became aware of the limits of its power. It was a universal organization; all the individuals within its territory owed a political allegiance; but they might subscribe to different religious faiths. The Church, too, recognized its duty to refrain from trying to control persons who did not belong to it. The Church ceased to demand political privileges as a reward for its services. The Church realized that it should not expect any political favours; the state realized that its activities should be devoid of religious ambitions; at the same time it should strive to keep religious organizations free from political fears.

The State and the Economy. It is possible to define the exclusive spheres of the state and the Church. Each can leave the other alone. But the state cannot withdraw from control over the economy, nor can the economy function without some regulations continuously enforced by the state. Even the most passionate devotee of *laissez-faire* would demand certain services from the state which are universally needed, e.g., the maintenance of post offices and the regulation of currency and coinage. A government, again, cannot ignore economic organizations; it cannot free itself from economic pressures. By applying coercion imperturbably it can, of course, subdue economic organizations; yet the efficacy of coercion is always limited, especially in a democratic state. Political power and economic power always intersect each other. The government and the economy unceasingly act and react upon each other. Economic organizations can never be totally independent of state control. The state, with its monopoly of force, can easily liquidate the pretensions of economic organizations to complete independence. Economic organizations control the means of livelihood of the people and, therefore, reach intimate aspects of human existence which are not so easily accessible to the state. Economic organizations have tried to influence the government and mould governmental policies in order to satisfy their interests. They have resisted the power of the state which in their opinion has retarded the realization of their objectives. The state has sometimes been

obliged to concede the demands of economic organizations. It has bowed down before strikes by determined labourers. The pressures of capitalists have been found to reorient legislation. Even a politically impotent group may seriously challenge state authority by wielding the economic weapon of boycott. Political and economic power are instruments for the achievement of human welfare; and they are interwoven. Man cannot gain any object without political and economic power. He will always pursue certain aims in order to gratify his desires; this pursuit will be fruitless unless he can employ the requisite political and economic power. It is impossible—it is inconceivable—to divide the fields of application of political and economic power.

History proves that the state has not at any time abdicated control over the economy. In ancient days the states utilized slaves as a principal source of labour. When they were victorious in a war they would capture slaves with a view to employing them as labourers and increasing the productive capacity of those states. In mediaeval days the state interfered rigorously in the economic life of the people. It sometimes even prescribed what kind of cloth a particular town should weave. Agricultural labourers were indissolubly associated with particular farms; they paid immutable allegiance to powerful landlords. Men who owned land also exercised political power; the governing groups were at the same time land-owning groups. The overlords fixed the political rights for their economically inferior vassals and serfs. Economic and political dominance went together; those who lacked property in land also lacked political power. The identity of ownership of property and political predominance was possible because the governing class in the mediaeval days, i.e., the landlords, enjoyed a solidarity due to unity of interests. It was also possible because workers were not only without property, they were also without the organization that could give them economic power in spite of the absence of ownership of land. The industrial revolution and the advent of capitalism changed the situation completely. The capitalists had competing interests and could not achieve the unity which was the privilege of the landlord class. The economic system under capitalism became much more diversified and complicated. Conflicts of interest

among the members of the capitalist class were striking; the demands of the landlords could, whereas those of the capitalists could not, have a unified political expression. The power of the capitalists, again, was challenged by the growth of organizations of workers who though without property were not powerless. The landlords did not have to encounter this challenge. The capitalists owned the means of production while the workers did not; but organization supplied weighty economic power to the workers. In spite of their control over the means of production the capitalists could not, although the landlords in mediaeval days could, become the governors of the realm. They could surely influence the government; they prompted the government to protect them against foreign competition, at the same time pleading for free competition in the home country. The government was requested to intervene so that capitalists might ward off foreign competitors by means of tariff restrictions; but, especially in the 18th and 19th centuries, the capitalists wanted the state to uphold unrestricted competition at home by means of the legal order.

The state, however, gradually realized that it could not abandon economic life to selfish manoeuvrings by ambitious capitalists. It understood the need for controlling economic forces in the interest of the people as a whole. Economic forces of the capitalist era were of unprecedented magnitude and extremely complicated. The state could not afford to overlook the blind operation of these forces which led to the creation of a half-starved proletariat and an aggrieved electorate impatiently waiting to see these forces being limited by the state in public interest. The development of democracy compelled the state to oversee the operation of huge economic forces or to deserve the disrepute of being dominated by capitalists. All economic forces were not, of course, amenable to governmental control. But those which could be controlled had to be controlled if the electorate was not to be antagonized. The extension of suffrage made it impossible for capitalists to purchase votes and for governments to dispense with the support of the masses. The government could not simply please capitalists and assure itself of victory in elections. In order to rule the people it had to ensure that their interests were not being sacrificed to those of the capitalists. A government allow-

ing the irresponsible use of powers by capitalists could not claim to be responsible. It had to forsake the dangerous notion that the self-regulated operation of economic forces would automatically confer the greatest benefit on society.

The state is run by fallible men too prone to respond to temptations of money. Capitalism has witnessed the advent of Big Business seeking to influence the government and thereby vitiating the entire political machinery. A government may thus lose its representative character and become wedded to special interests as distinct from public interests. Those standing outside the government adopt questionable means to control statesmen. The state must face the challenge squarely and frustrate any attempt to substitute the will of Big Business for the will of the people. Big Business represents formidable accumulations of wealth; its control over the economic life of the people is far-reaching. But the enormous power of Big Business implies a corresponding obligation to the people. The state must persuade, or chastise, Big Business to take this obligation seriously and discharge it honestly.

The State and Property. It has sometimes been unwarrantedly assumed that the state has no right to regulate property because the individual creates it and likes to enjoy it without any interference. But property is primarily a social creation. Rights of property are upheld by the society to which an individual belongs, and enforced by the state; an individual must not enjoy these rights in an unfettered way, forgetful of the services to society that this enjoyment prescribes.

Individualists of the 19th century argued that they wanted liberty and hence an unrestrained enjoyment of property rights. They were afraid that the alternative was complete government management paralyzing individual initiative. But *laissez-faire* could not exist without the support of the coercive power of the state; this was the vital fact eluding the judgment of individualists. Without state-sanctioned law there can be no title to property; property does not exist outside the law; the argument of the *laissez-faire* theorists that property should be left alone is, therefore, deceptive. Corporations are set up, contracts are made or property is inherited according to law. It is, indeed, a peculiar theory that urges the state not to interfere with these rights of property and yet

safeguard the unrestricted exercise of these rights. Individualists had, furthermore, a fallacious assumption that state intervention would lead to the total expropriation of property owners, that existing property rights could be either maintained or abolished at the cost of individual initiative. They forgot that laws could be changed, in accordance with social necessity, to modify existing property rights. Readjustment of rights could be brought about by legal changes which did not frustrate individual initiative. When, for example, the state regulates the right to patent an invention, it does not crush man's inventiveness.

The functions of the state in the realm of property can be easily realized as we note that rights of property are legally established and enforceable. A man can hold property securely only because the state is ready to enforce his lawful rights. The state imposes different conditions on the enjoyment of various types of property rights. The state, again, has changed regulations applicable to different types of property with the change of circumstances. The owner of urban land cannot enjoy a despotic right over his property; he cannot build any type of house that satisfies his vanity or whims; he has to obey rules laid down by the state. Rights over land used for highways or city streets are quite different from those over land containing minerals. The state allows multiform rights of property in earned income and unearned incomes, articles like radio or animals. The state has repeatedly changed the regulations concerning the sale or inheritance of property.

The state regulates property as it is the custodian of the rights of the people not only of this generation but of future generations. Natural resources like land belong not only to men who are living today but also those who are yet to be born. The state will not recognize, therefore, any claim of absolute right to property put forward by individuals. It will not allow individuals to exercise the right to property in such a way as to destroy the fertility of land or minerals hidden below the earth. Individuals are but temporary guardians of property; the state must see that they do not, while using property, injure the permanent interests of the society as a whole.

It is undoubtedly true that man requires property to express

his personality. A man without property cannot have a glimpse of the rich diversities of life; he cannot enjoy them and earn a full life. If all his energy is exhausted in meeting immediate needs of food and clothing, he cannot genuinely express his personality. Many aspects of personality remain unexplored, many pleasures of life untasted, due to lack of property. Men also want property because they crave security. They hold property as an insurance against unemployment, sickness or poverty in old age. The benefits that property may confer in future on a man or his descendants are no less important than those accruing to him at present. But if man has to express his personality and gain security through property the state must intervene. It must, for example, prevent the monopolization of landed property by a few persons; it must not allow a few persons to cramp the personality of others deprived of ownership and compelled to accept the terms laid down by the privileged possessors. Of course, the few men having an exclusive possession of property will feel insecure as the frustrations of the dispossessed may erupt into violent outbreaks against the propertied few. The tendency to enjoy monopoly rights will be faced with the revolutionary impulse to eliminate those rights. The struggle may be tense and prolonged, and the resultant social costs enormous. The state must step in to reconcile the conflicting claims of men so that property may fulfil its legitimate function in society. In particular, the state must be vigilant to abolish functionless property. Ownership of property, if it is to be socially useful, must be related to functions. If property is divorced from service, social unrest will be automatically produced. Owners of property will live luxuriously while workers in factories or mines will have a desolate existence. If workers are incited to rebel, society will be torn by confusion and disorder. If they reconcile themselves to their miserable lives, they will have no capacity for creative effort. In either case social health and economic efficiency will deteriorate.

There is a constant conflict of interests between workers, say, ordinary craftsmen or eminent inventors, and owners of property. Property-holders may be functionless; they may not perform any constructive job; their primary interest is to maintain property. The workers enrich the civilization by manual

labour and creative effort. The functionless property holders may unduly exploit them while attempting to preserve their privileges. Property means power; it may be converted into irresponsible sovereignty over persons who do not own property. It may disrupt social unity when it does not enjoin any obligation to society. Men are united by the ideal of service to common social objectives, but functionless property repudiates that ideal and upholds rights irrespective of social duty. Efficiency is surely dissipated as workers become painfully aware that idleness is no less, and often more, rewarding than industry. The roots of civilization will wither because creative energy will be undermined. The state must not passively tolerate these evils springing from property; it must actively promote public interests by checking the harmful uses of property.

Positive Functions of the State. The primary and universal need of human beings is to gain security of life and avoid injury to their limbs. They tried to protect themselves by carrying arms when there was no state providing a regular machinery for protection. The individual, however, was powerless to resist the onslaughts of others especially if these were frequent and directed by alien groups. The protection that he could offer himself was extremely inadequate against constant threats from persons who were organized and belonged to a rival group. Individuals had to co-operate in order to enjoy effective security; collective security had to be substituted for unorganized individual endeavours. The state emerged to provide a reliable instrument for protection.

Before the birth of the state protection was uncertain because uninstitutionalized. Protection remains the primary duty of the state; individuals have to be protected not only against outlaws inside the state but also against foreign aggressors. A government will forfeit its claim to rule the people if it fails to prevent some inhabitants from threatening the persons and property of others. Outlaws inside the state may menace social unity; it is the primary function of the state to stop and punish the outlaws. The function of protection assumes an immense magnitude when the state is engaged in a war with a foreign state. The entire economy is switched to produce more and more war-materials. The whole population is indoctrinated to respond to the demands of war, to make

limitless sacrifices so that the state may be victorious.

But the function of protection automatically widens. The people who pay their allegiance to the state in order to receive protection also expect something more. When the state secures protection it imposes many regulations on the activities of individuals, and individuals must realize that acceptance of those regulations is much less intolerable than their absence. Differences between individuals are resolved by means of such regulations and the task of protection is easily fulfilled; differences do not lead to disturbances endangering personal safety. Again, the application of these regulations by a tribunal must be impartial so that the decisions of the tribunal may win willing acceptance by the people. Human beings are variously related to one another, their actions are constantly intersecting; they are not satisfied with gaining mere protection of their physical safety or the preservation of their property. They want to live under a system that not only grants physical security but also law and order. The state must maintain law and order so that relationships among men may be rooted in mutual trust. The maintenance of law and order points to another function of the state which cements the loyalty of the people to the state. The state must promote justice. The people must feel that the state regulates their relationships and adjusts their interests in a just manner. They must not be discontented on the ground that the state discriminates in favour of a particular group while ignoring the needs of others which are no less urgent. Man will have little respect for a system of law and order that is devoid of justice.

The state cannot perform these primary functions unless it is endowed with a monopoly of force. It cannot carry out these vital tasks if there is a rival organization having sufficient coercive capacity to challenge the authority of the state. In ancient Rome, for example, the authority of the established government sometimes dwindled to insignificance because generals like Sulla, Caesar or Anthony amassed enough power. Since the state enjoys a monopoly of coercive power it is able to impose its will on other associations inside the state. A man can evade the control exercised by the family or the Church, but he cannot, as long as he lives in the state, avoid the control exercised by the state. This naturally gives rise to con-

troversies about what is the proper business of the state. It is impossible to have a unanimously agreed solution of these controversies; hence it is instructive to enquire into the actual scope of state functions in different periods of history.

Changes and Expansion. In the ancient city-states of Greece and Rome the sphere of state activity was not delimited. The state was deemed to have the right to control all aspects of human activity, although the extent of control varied from state to state. The state suspended, stimulated or supervised all social activities including religious festivals and dramatic performances. The great thinkers like Plato and Aristotle never speculated about the limits of the positive functions of the state. They, of course, supported resistance to a tyrant, but did not outline the limits of state activity. Plato even asserted that other institutions, e.g., the family, should be abolished so that the loyalty to the state would be unadulterated. Aristotle, however, did not propose to destroy other associations but declared unequivocally the paramouncy of the state as the instrument of the greatest good. The smallness of city-states permitted such theorizations which obviously corresponded to contemporary practices. The history of Rome clearly illustrated that an enlargement in the size of the state would narrow down the scope of state activity. When Rome swelled into a vast empire many aspects of social life eluded state control in conquered territories. It was impracticable to bring all aspects of social life under state surveillance.

There were competing religious faiths in the Roman Empire out of which Christianity ultimately gained dominance. The Christian Church arose to modify the supremacy of the state and reduced its functions. It drew a line beyond which the state should not advance. The Church courageously proclaimed its right to regulate certain activities immune from state power. The Reformation, the gradual consolidation of monarchical authority, and the rise of nation-states nullified the importance of the limits set by the Christian Church to the functions of the state. Hobbes reiterated the Platonic view of a monistic state. He did not approve of the existence of other associations in the state depriving the latter of a part of the citizen's loyalty. If loyalty was fragmented, some of it flowing to associations, the state's authority would be weak-

ened. Henry VIII of England expanded the functions of the state when he proclaimed himself to be the Defender of the Faith heading the national church which he established after dissolving the authority of the Pope.

In the 16th century the doctrine of mercantilism immensely added to the scope of state functions. It wanted to eliminate the numerous restrictions on production and exchange plaguing the mediaeval economy. These restrictions were imposed by feudal lords and craft guilds impeding the movement of goods and their production. The mercantilist doctrine sought to remove these barriers in order to maximize national wealth. A state, according to this doctrine, must accumulate gold and silver through a surplus of exports over imports; the prosperity of the country would be measured by the inflow of bullion. Such an economic policy for augmenting national power implied a far-reaching extension of governmental activity. The function of the state embraced attempts to establish colonies, secure raw-materials and markets. In accordance with mercantilism, the state could intervene in all spheres of the economy on the plea of enhancing national wealth.

The Industrial Revolution generated new forces which popularized the doctrine of the limited state. The *laissez-faire* theorists tried to curtail the functions of the state in the interests of businessmen. They sought to exclude the state from an economic domain reserved for the unrestrained activities of businessmen; the economic order was to be emancipated from governmental controls. Advocates of *laissez-faire* in the 18th and 19th centuries assumed that state control would obstruct the accumulation of wealth caused by the uninhibited initiative of businessmen. Adam Smith argued that the individual was the best judge of his interests and society would reap the greatest benefits if individual enterprise was not curbed. Individuals would compete with one another, take risks in promoting self-interest, and thereby enrich themselves as also the society as a whole. Smith assumed that the laws of nature, derived from the human mind or physical factors like land, would govern the enterprises of free individuals and harmonize their operations. If the state intervened, it would tamper with the laws of nature and destroy

the benefits of free competition among individuals. John Stuart Mill also emphasized that it was unwise to enlarge the scope of governmental activity unless the government could prove that such an enlargement was justified. It was undisputed, Mill said, that the majority of tasks facing a community were better done by interested individuals than by the cumbrous governmental endeavour. *Laissez-faire* theorists were encouraged by the success of manufacturers, who utilized new inventions, in transforming the nature of the economy and increasing immeasurably the country's wealth. Businessmen demanded freedom to experiment and urged the state not to restrain their initiative in any way. The courts upheld the principle of freedom of contract in order that the capitalists could operate freely and be, as it were, their own law-givers. They enjoyed the freedom to exploit the poor workers and play with the salaries and jobs of the latter. In the pre-industrial age the worker could own small simple machines; in the industrial age he could not own the big complicated machineries requiring a vast capital outlay. The freedom of capitalists degenerated into a privilege to exploit the undernourished employees. The increase of a country's wealth, e.g., of Britain before 1914, was paralleled by a startling growth of inequality. National income increased at a dizzying pace, but the difference of income between the rich and the poor became enormous and menaced social stability. With the majority of the people living in unmitigated poverty and drudgery, the ideal of free competition came to be seriously challenged.

The Welfare State. In the 20th century the ideal of the 'Welfare State' has gained an almost universal acceptance resulting in an extension of the positive functions of the state. This ideal exhorts the state not simply to provide protection and a system of order permeated by justice, but also actively to promote general welfare. A minimum standard of education, for example, should be universalized in the community, and the state must see to it. In regard to sanitary measures and the prevention of contagious diseases also the state must maintain a minimum standard in order to promote general welfare. The state should also undertake schemes of social security insuring the people, especially the poor, against occupational hazards, unemployment, suffering in old age, etc. Of

course, the exact length to which the state might go in all these matters will remain a matter of controversy. But the importance of such functions becomes obvious once we reflect upon the gulf separating the rich and the poor, and the opportunities of self-development open to the former but closed to the latter. In order to attain social justice the state must proceed to reduce the dangerous disparity in the standards of living of the rich and the poor. The functions of the state must include that of eliminating injustices such as those caused by monopolies. The state, furthermore, has the duty of promoting scientific research. It is frequently beyond the capacity of individuals to undertake expensive scientific experiments. The state has the capacity to bear these expenses, and since the entire community will benefit from scientific discoveries, it must not hesitate to encourage scientific investigations. It is still controversial as to whether a state should embark on comprehensive economic planning for raising the standard of living of the people and thereby promoting social welfare. But there is no doubt that the positive functions of the state have appreciably widened in response to the ideal of the Welfare State.

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Chapter XIX

POLITICAL IDEALS AND IDEOLOGIES

HARDLY anyone ever wants a government for its own sake alone. We want governments to do something worthwhile. Political philosophers have for a long time speculated on the possible portraits of the ideal political systems. The co-existence of the politics of vision with that of utility has lent a unique colour to political imagination. It has, nevertheless, created difficulties too. For what is ideal for one, may very well be repulsive to another political man or philosopher. The debate over the ideals is seemingly an unending one. To be sure, if we prefer a dynamic view of politics the debate should be allowed to be continued because only through an interaction and competition of the ideals can we expect to have continuous human development.

An ideology is a selective interpretation of the state of affairs in society made by those who share some particular conception of what it ought to be. It refers to a systematic formulation of ideas about life, society and politics, which through propaganda and usage tend to become the characteristic group dogma or belief in a society. Usually an ideology consists of a statement of the promises and purposes of a political movement, a body of critical analysis of the existing situation, a body of doctrines which seek to justify the purposes, an elaborate myth-system and an enumeration of the methods of action necessary for realizing the purposes. Evidently, not all the political interrelated systems of ideas known as ideals would seem to conform to the description of ideology as given above. The ideals are simply the statements of desirable designs whereas the ideologies tend to combine the perspectives with their practical counterparts of programmes of political action. This is not to assert that all the statements of the ideals have nothing to contribute to the question of action; it only refers to the fact that in the cases of the ideologies we have an integrated system of policy, programme and methods of action. Ideological movements and the problems of social change

are closely related. It has been especially so in the 20th century. In a period of rapid social and political change with an unmistakable accent on mobilizing mass support and action for accelerating the pace of change the ideological issues assume a significant importance. A discussion of the major *ideals* and the *ideologies* of our time might help us to understand the whole problem in a better way.

IDEALISM AND NEO-IDEALISM

Idealism, in political philosophy, refers to an abstract philosophical way of considering politics relying on a method that closely resembles the idealist systems of ethical and metaphysical thought. It represents a rather sophisticated speculative pattern of thought with an apparent reluctance to bring political thought to the pedestrian level of action. Many idealist political philosophers, of course, have speculated on the possible courses of action necessary for the realization of their ideals but the primary emphasis of the idealists was more on thought than on practice. And in the realm of thought also they had a positive preference for abstractions than anything else. Philosophically, idealism represented a revolt against the theories of empiricism advanced by Locke and Hume. Ethically, it was an attempt to rescue the moral nature of human conduct from the utilitarian theories of self-interest. And politically, it sought to challenge the ardent individualist interpretations of political and economic man by reconstructing a theory of moral man living in harmony within an ethical framework inside the community. The idealists' concern for the moral man living as a social being has been expressed in different forms and one can find many inconsistencies in these varying interpretations. But the major elements of all such theories may be briefly presented, for the sake of convenience, in an integrated body.

Beginning, in some ways, from the writings of Kant, idealism developed mostly in Germany in the writings of Fichte, Schelling and Hegel. Later it moved to the English scene through the works of Green, Bradley, Bosanquet and to the United States through the works of Harris and Royce. The basic roots of political idealism may be traced from the writings of Plato, Aristotle and Rousseau. In fact, political idealism was

a bold attempt to blend the moral emphasis of the Greek political theories with the mystical theory of will propounded by Rousseau, into an integrated thought-structure. For Hegel, the ultimate reality is history understood as the dialectical unfolding of reason. The state as the embodiment of rational freedom is the important means through which history manifests its pattern. The state is the actuality of the ethical idea. By conforming to it, man realizes his best moral personality. Man realizes his best freedom by obeying the laws of the state in absolute terms. The authoritative rules of the state and social morality sustain the moral personality of man. In Kant's idealism, man realizes his freedom by obeying his own moral will, but in Hegel the moral will of the community reflected in the acts of the state happens to be the supreme authority. Small wonder that, in Hegel's theory 'the nation-state is mind in its substantive rationality and immediate actuality and is, therefore, the absolute power on earth'. By a rather strange philosophical argument Hegel equates freedom with conformity, the state with morality and resistance with immorality. It may be true that Hegel has been painted in cruel colours by many of his critics, but the point does remain that his inconsistencies have the remarkable merit of confusing almost everyone. If one concentrates on his distinction between the state and the civil society one may find that Hegel, after all, is aware of the realm of necessity that operates in the ordinary political relations and that his theory of the state is only an idealized portrait of what ought to be. Hegel, himself, denied the possibility of a sober assessment of his theories by jumping to glorify his contemporary Prussian system of absolute monarchy.

The English neo-idealists, rather strangely, for all their Platonism and Hegelianism, seem to be in the succession of the utilitarians so far as their political and social theories are concerned. The modifications of idealism initiated by them have shown that neo-idealism in politics can be compatible with an ethical version of democracy. In adapting idealism to the needs of English liberalism, these thinkers softened the tone of idealism considerably. Drawing heavily upon Kant, Green, for instance, declares that, it is not the exercise of a supreme coercive power that makes a state but supreme coer-

cive power exercised in a certain way and for certain ends and exercised according to law, and this for the maintenance of rights. Green's constant emphasis on the themes of common good, moral duty and positive freedom added a definite liberal content to idealism. In principle, as Sabine has put it, Green's revision of liberalism in terms of idealism closed up the gap which *laissez-faire* had placed between politics and economics and put on government the duty of regulating the economic system when it fails to produce humanly satisfying results.

The critics of idealism have mostly tried to refute its Hegelian interpretation. Kant and Green have been usually spared and among the English idealists most of the attacks have been directed against the most Hegelian of them all, Bosanquet. Criticising Hegel, Bertrand Russell points out that Hegel seems to think that everything important takes the form of war. Hegel's admiration of the national State is carried so far as to become inconsistent with his general preference of wholes to parts. The habit of speaking of 'the State', as if there were only one, is misleading so long as there is no world state. Attacking Bosanquet, Hobhouse and others have maintained that, although the state is certainly more than the sum of the individuals comprised in it as they would be apart from the state, it does not follow that the state is more than the sum of what they actually are as in the state. Refuting the theory of real will, it has been said that talk about constraint for wrong doing being in accord with the man's real will should be regarded as mere sophistry and as preparing the ground for the dangerous fallacy that to compel a man to do something which the rulers of the state think to be good is no constraint on his liberty. The individual and the state are equally real; things can only be real, they cannot be more or less real; and further the individual is more than the state in the sense that the state, though in some respects more inclusive and permanent than he, only engages a portion of his total activity. The state exists for serving the individuals. As MacIver asserts, the state commands only because it serves; it owns only because it owes.

One may infer from the critics' case that the idealist political theories are necessarily wedded to authoritarianism. It has been suggested that the rise of dictatorship in Germany indi-

cated the evil potential hidden in Hegel. On a sober estimate, however, things do not seem to turn out so easily. Friedrich has tried to show that Hegel is not at ease with the authoritarian strand in his thought. According to him, Hegel's thought is deeply inspired by the notion of government according to law, and the corresponding idea that such a government provides the framework for the realization of freedom. There is an individualist *motif* in Hegel which contradicts his own authoritarian stand and apparently provides a genuine dialectic. Again, between Bosanquet and Hobhouse, it seems to Ewing that, both sides are, in the main, right in what they assert and that the difference between them is largely reducible to differences of expression and emphasis. Perhaps Bosanquet 'does not wish to assert that I am identical with other men in precisely the same sense in which I am identical with myself as I have been and shall be at other times, but only to stress the analogy between the two relations, while Hobhouse stresses the difference'. All these attacks and reconciliations would suggest that it is difficult to judge a whole school of thought by some isolated works, and in order to assess fairly, one must be prepared to take into account all the complexities revealed in the ideas and theories produced by the school.

INDIVIDUALISM AND LIBERALISM

Philosophical attention in politics has constantly oscillated between the two assumed social poles: authority and the individual. If the idealists and the collectivists have, in general, chosen to prefer the first, the individualists have declared their engagement to the second. It may be that individualism after all is merely a blanket term used to cover diverse political ideas. But behind all elements of contradiction, there lies a solid subsoil of agreement to defend the autonomy of man—man as a self-directed human being, a masterless man—which confers a unity on individualism. Liberalism, a product of the Renaissance, and the Reformation climates, was the political expression of individualism. While the new conception of individuality drew heavily upon ancient Greece, and especially Stoicism, for its inspiration, observes Hallowell, it was not simply a reiteration of Greek ideas about man but, indeed, a new conception. All along liberalism and individualism have been

generally recognized as intimate associates, though on some occasions, liberalism has, of course, chosen to deviate from the orthodox course of individualist policy prescriptions. For our purpose of analysis we would rather identify individualism as a crystallized ideal and liberalism as a broad attitude, both being ardently interested in recognizing the autonomy of individual will.

The liberal imagination, initially, was based upon several assumptions, many of which are still now respected by the contemporary liberals. A belief in the supreme value of human personality, an eager faith in the autonomy of man, his rationality, his basic rights, his consent, a justification of the rule of law and an overall distrust of all forms of arbitrary authority—these were some of the fundamental centres of attraction for the liberals. While stressing the atomic concept of the individual, the liberals apparently left a vacuum in the social question but it was generally granted that the problem of order could be overcome by assuming that the link between the subjective will of the autonomous individual and the objective order transcending him was to be found in reason guided by individual conscience. The man of the Renaissance was fascinated by the prospects of knowledge and reason. New science gave him ample support so that he could now feel confident about the vistas that lay before men without masters.

The rising commercial class refused to admit the utility of fetters on its enterprise. Grotius with his secularization of natural law and Locke with his challenging philosophy of freedom prepared the way for the full-blooded individualism of the later periods of history. By the 18th century the maxim of *laissez-faire* was utilized to break down the restrictions of more or less self-contained communities which practised a low degree of division of labour. Philosophy, science, economic necessity and the political urge for liberation, all these tended to strengthen the grip of liberalism. In the 19th century the process reached its climax in the writings of Herbert Spencer and John Stuart Mill. Freedom of man, freedom of enterprise, a belief in progress and the perfectability of man, these were the dominant faiths and purposes of the individualist ideal advocated by Spencer and Mill.

Relying on a crude sociology, Spencer, delivering his verdict

on universal evolution, declared that, in all phenomena, there is a development from an indefinite, incoherent homogeneity to a definite, coherent heterogeneity; from simple forms organic life has proceeded to the specialized structures and functionings. Inevitable individuation is the law of civilization. Automatic equilibration of the parts is its invariable associate. Socialism, by denying this law attempts to put the clock back, says Spencer. All socialism is slavery—a return to autocracy. Minimum state-action alone can guarantee increasing specialization and spontaneous inter-human interaction which in its turn is the only course opening up the road to progress. Spencer's hostility to the state was so extreme that he opposed all state aid to education, welfare, industry and all initiative in social legislation. William Graham Sumner in America continued the attack on authority following the clues offered by Spencer and cried that all experience bears testimony against state regulation.

The sole end for which mankind is warranted, individually or collectively, writes John Stuart Mill, in interfering with the liberty of action of any of their number, is self-protection. The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. The only part of the conduct of anyone, for which he is amenable to society, is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute. Mill thus unhesitatingly declares that, over himself, over his own body and mind, the individual is sovereign. Most things, said Mill, can be done better by individuals than they can by government. Efforts make faculties active and efficient. And the most cogent reason for restricting the interference of government is the great evil of adding unnecessarily to its power. Mill's scheme of individualism, it should be noted, was meant to be applied only to mature societies and not to underdeveloped societies.

The whole effort to treat *laissez-faire* as a principle of public policy, and then to determine what should be governed by law and what should not be, observes Walter Lippmann, was based on so obvious an error that it seems grotesque. The error was in thinking that any aspect of work or of property

is ever unregulated by law. Himself a champion of modern individualist liberalism, Lippmann takes Mill and Spencer to task for their mistaken notion that there are two fields of social activity, one of anarchy and one of law. As he succinctly puts it, the question can never arise whether there should be law here and no law there, but only what law shall prevail everywhere. The rejection of a legal vacuum and the preference for the rule of law guaranteeing a free, competitive society are seemingly the characteristic features of contemporary individualism as advocated by Lippmann, Hayek and Polanyi. All of them are bitter critics of planned welfare and their crusade against collectivism, on occasions, has been misinterpreted as a mere campaign for unbridled capitalism. Such an identification hides the richness of analysis that a patient reader is likely to discover in their greatly significant works. It is easy to debunk them but difficult to refute them. They are not crude apologists for an unregulated society: their idea of the liberal state may be conceived as the protector of equal rights by dispensing justice among individuals. According to Lippmann, it seeks to protect men against arbitrariness, not arbitrarily to direct them.

The reactions against uncompromising individualism have assumed various forms. In the first few decades of the 20th century many liberal thinkers addressed themselves to the task of reconsidering individualism in terms of the fresh interest in group life. Guild socialism, pluralism and many other types of associationist orientation emphasized on the group processes as the basic social reality of the individuals. No longer was the individual thought to be a lonely man plodding along the road to reason: he was now viewed as an associationally related being, having a consoling sense of belonging, though this was by no means an act of surrender of his status of autonomous personality. The importance of group processes in America gave to this idea an additional element of support. The scepticism against authority was retained but the social basis of the individual's role was also recognized. The affirmation of group basis was further extended on the social plane as soon as the urgent demands of social security and welfare were made on the political authority in the days following the great depression of the thirties. The

great tidal waves of mass movements forced the state in all liberal societies to be the positive instrument of welfare. State scepticism now became an intellectual or economic concern of those thinkers who felt that an expanding sphere of state-activity represented an evil in itself. Like the cases presented by the contemporary individualists of the sort of Hayek and Lippmann, they may receive attention but it would be fair to assume that modern liberalism, though concerned with freedom, is more absorbed with the problem of reconciling authority with liberty rather than with a unilateral upholding of a cause for an abstract man. The latter may be a more appropriate field of fancy for the conservative liberals of our time.'

SOCIALISM: DEMOCRATIC AND AUTHORITARIAN

Political philosophy before the popularization of socialism was mainly addressed to the intellectuals. The grand sweep of socialism changed this pattern and socialism was perhaps the first political attempt to talk to the masses as well as the intellectuals. The profound emotion embodied in socialism, the stern attitude of refusing to accept the reality as it is, and a deep sensitiveness for collective human welfare, are some of the strikingly novel points of emphasis that one may discover in the declarations advocating socialism. Here is a dialogue that is not restricted to a contemplative university audience, not confined to the lawyers' desks, not destined to earn the dust of the scholars' libraries—its appeals stretch far beyond to attract the entire people. Even the tone of the dialogue changes when one enters the world of socialist doctrines—the halting chuckle of struggling ideas is largely replaced here by a shrill tone of vigorous optimism—after all they don't labour so much for interpretation as they struggle for changing the world. But the fact that socialism prefers to appeal to the masses does not mean that it lacks theoretical subtlety. Rather socialism does present an intricate web of political and sociological materials which have significantly transformed modern political analysis. It is a tribute to socialism, as some thinkers insist, that most political ideas today seek to validate themselves by measuring their proximity or distance from the goals set forth in the corpus of socialism.

The Beginning. Though communitarian schemes of property and living have been advocated pretty early in the political works written in the past, considered as a systematic body of principles and practice socialism should be treated as a distinctly modern contribution. The word 'socialism' gained popularity in the beginning of the 19th century. The French Revolution and the Industrial Revolution introduced a deep ferment in the social soil. Fragments of social discontent now tended to demand a new integrative social philosophy. The early socialists like Saint Simon, Charles Fourier, Robert Owen, Proudhon and Louis Blanc attempted to supply the answers needed by the deep social question, but the essentially visionary nature of their thinking wavered between Utopias and restricted experiments. In spite of their valuable contribution to social thought, they could not quite successfully generate the required social force necessary for a comprehensive socialist movement and its guiding philosophy in a systematic pattern. In contrast, Marxism appears to be, as John Plamenatz suggests, something altogether vaster, more elaborate, harsher, and less accommodating; it is more demanding and thrusts aside with disdain whatever does not suit it. Overwhelming in its profuseness, it moves like a broad river in full spate carrying everything before it. The precursors of Karl Marx were not less original or ingenious, but Marx was more exciting and more formidable.

Traditionally, the socialists before Marx have been described as Utopian and Marx as scientific. This appears to be an untenable distinction, for in spite of the scientific claims of Marx and the Marxists, it is apparent that the philosophy of Marxian socialism is only an appealing ethical mansion with some scientific decorations. The main body of Marxian socialism rather represents a skilful blending of a variation of Hegelian philosophy, 19th-century British economic ideas reformulated in accordance with Marx's design and an astonishing intuitive grasp of Continental sociological ideas and reality. Taken alone, none of these elements reaches the status of science, and all these elements, when considered in the historicist frame of Marx as an integrated doctrine, reveal an ideology from which the escape from science can be recognized more easily.

MARXIAN SOCIALISM

As Darwin discovered the law of evolution in organic nature, observed Engels, so Marx discovered the law of evolution in human history; the simple fact, previously hidden, that human beings must first of all eat, drink, shelter and clothe themselves, before they can turn their attention to politics, science, art, and religion. Simple principles of materialism, however, were not for the first time discovered by Marx; he had only inherited a long tradition of Western materialism. What is original in Marx is the dialectical twist given to materialism and the application of it to the plane of human history in order to arrive at certain rigid formulations on historical laws. •

Historical Materialism. The Marxist view of historical method, as presented in *German Ideology* states that the way in which men produce their means of subsistence depends first of all on the nature of the actual means they find in existence and have to reproduce. This mode of production must not be considered simply as being the reproduction of the physical existence of the individuals. Rather, it is a definite form of activity of these individuals, a definite mode of life on their part. As individuals express their life, so they are. What they are, therefore, coincides with their production, both with what they produce and with how they produce. The nature of individuals thus depends on the material conditions determining their production. A complete formulation of the concept of historical materialism was developed in the *Preface to a Contribution to Critique of Political Economy*. In the social production of their life, men enter into definite relations that are indispensable and independent of their will, relations of production which correspond to a definite stage of development of their material productive forces. According to Marx, the sum total of these relations of production constitutes the economic structure of society, the real foundation on which rises a legal and political superstructure and to which correspond definite forms of social consciousness. The mode of production of material life conditions the social, political and intellectual life process in general. It is not the consciousness of men, Marx insists, that determines their social being, but, on the contrary, their social being that determines their consciousness. At a certain stage of their development, the material productive

forces of society come in conflict with the existing relations of production. From forms of development of the productive forces these relations turn into fetters. Then begins an epoch of social revolution.

The bourgeois relations of production are the last antagonistic form of the social process of production. At the same time the productive forces developing in the womb of bourgeois society create the material conditions for the solution of that antagonism. This social formation brings the prehistory of human society to a close. At this point new history or true human history will begin. For Marx the history of mankind is a history of the increasing development of man, and at the same time of increasing estrangement. His concept of socialism is the emancipation from estrangement, the return of man to himself, his self-realization. The fundamental misunderstanding, on which the popular interpretation of historical materialism rests is the assumption that historical materialism is a psychological theory which deals with man's drives and passions. But, in fact, as Erich Fromm while analysing Marx's concept of man has shown, historical materialism is not at all a psychological theory: it claims that the way man produces determines his thinking and his desires, and not that his main desires are those for maximal material gain. At this stage, one must be prepared to separate the works of Marx from those of the Marxists and the human essence of Marx's writings may be reinforced by a patient study of the recently translated *Economic and Philosophical Manuscripts of Marx* (Bottomore edition):

Conflict and Resolution. The term 'relations of production' evidently refers to the class structure which is one of the key features of any society which Marx would investigate before searching for any other data. There are two ways in which classes have been implicitly defined in the Marxian analysis: first of all they are defined by the function they fulfil in the society's process of production, and not primarily by the distribution of income and other benefits. Yet, the very existence of inequalities leads to the second method of defining classes which Marxism uses. All relationship between classes are necessarily exploitative relationships. The exploiter class domi-

* For critical comments see the discussion on "Theory and Practice".

nates through power. The power of the ruling classes rests on the basis of the control it wields over the essential means of production and communication. The element of control elevates a class to a ruling position. The ruling class appropriates the lion's share of the products of industry. The *Communist Manifesto* declares that all history is the history of class struggles. The latter is the mainspring of history. Marxian assertions tell us that the dialectic has operated in history through the medium of the struggle of classes. Under capitalism this class struggle is bound to be intensified, and can end only in revolutionary victory for the proletariat.

The proletariat consolidates its victory through the transitional state managed in accordance with the principles of the dictatorship of the proletariat. The dictatorship itself, says Marx, only constitutes the transition to the abolition of all classes and to a classless society. The revolutionary purpose of the proletariat demands that the latter should form its own party—a class-conscious, class party. Marx, it seems, had in mind a mass party which would provide the advanced theory and the necessary leadership. It was Lenin who went farther and demanded that the workers' party or the communist party must be small, narrow, disciplined in an iron frame and a professional organization of revolution to direct and dominate the proletariat in the capacity of the infallible vanguard. By an additional modification Stalin sought to identify the party with the top élite leading the party itself which, for all practical purposes, meant the equation of the party with its highest political managers. The successors of Stalin, in their apparent struggle for liberalizing the guiding lines of the party machinery have merely introduced superficial reforms—the iron model of the party in all its essentials continues to be the same dictatorial organization dominated by a monolithic leadership.

Marxism and the State. The classic Marxian analysis of the state is not difficult to grasp. Political power is the organized power of the ruling class. The state is an engine of oppression—the instrument of exploitation. The state arose out of irreconcilable class antagonism. As analysed by Engels, the characteristic of the state, as opposed to the tribe and the clan, is that the task of maintaining order inside it rests on a selected group of persons who, as a regularly constituted govern-

ment, stand apart from the rest of society. In a classless society when the last traces of the exploitative mentality in human affairs appropriate to capitalism will be destroyed, the state will disappear. In such a social condition, as Engels declares, the government of persons will be replaced by the administration of things. The state will not be abolished; it will simply wither away. It was born to protect the exploiters and with the exit of the latter from the social scene, the state will not be necessary—it will die out. Although the task of the revolution is to smash the state machine, it should be noted that immediately after the revolution the state has to remain and contribute a vital role to the task of reconstruction and consolidation. Thus, under the dictatorship of the proletariat the state, managed by the vanguards of the revolution, will be strengthened to an authoritarian point. Lenin elaborating upon this point in his *The State and Revolution* offers two propositions. The bourgeois state must be destroyed by the proletariat, and, secondly, it is the proletarian dictatorship and not the bourgeois state which is destined to wither away. No wonder that Lenin calls the proletarian state a half-state because by its very logic its function is not to perpetuate the conditions of its own life but to destroy them. The successors of Lenin have revealed a greater fascination for strengthening the state rather than attempting to facilitate the conditions for relaxing its grip or for its dying out. Again the essentially proletarian character of the dictatorship has not been maintained in the communist states styled as the People's Democracies. The gap between the original exhortations and the current practice perhaps indicates a peculiar ambivalence that characterizes the Marxian attitude to the state.

The Happy Society. Marx was not particularly interested in offering a perfect blueprint of the happy society that would be ushered in by the success of socialism. Revolutionary construction, it was supposed by him, would lead society to its happiest possible condition. The higher phase of socialism, usually identified as genuine communism, would terminate the enslaving subordination of the individual under the division of labour. Work would become a free adventure. None would escape from responsibility. Everyone would contribute according to his faculty and he would get from society what-

ever he needs. Marx, indeed, thought that after the revolution succeeds the society of the future will work its way triumphantly to the needed kingdom of happiness. The régimes which carry the banners of Marxism have not, however, given any indication which can make one optimistic about the realization of a classless society.

Marxian socialism, in practice, has meant a comprehensive socialization of the means of production, a state-managed but not in any way equalitarian distribution, a dictatorial political system and a totalitarian social control. The image of a free man writing poetry in the morning, working in a factory in the day, and composing music at night and freely realizing his best personality in a classless society, is a far cry from the current situation in the communist states. The Utopia of yesterday has been bleached by the reality of today to such an extent that one wonders whether there is anything in common between the original painting by Marx and the current photograph of the Marxist society.

Theory and Practice. The unity of theory and practice advocated by Marxism is an essential clue to the understanding of Marxian socialism. Does the theory of Marxism provide a clear guide to proletarian action in its task of achieving revolution and socialism? The Marxists of all camps feel that it does provide such a guide. The answer, however, is not so clear to those who do not view Marxism from an engaged perspective. The postulates of dialectics, as developed by Marx, are beyond the reach of reason and critical examination. The scope of dialectics is uncertain even in the writings of the Marxists; Engels uses it to cover universal phenomena, but Marx himself limits it to the social phenomena. The idea that dialectics and progress are invariably related, is a legacy of the 19th-century faith in progress. The application of dialectics to society raises many questions. With dialectics almost everything can be proved. Ultimately it proves to be a jolly game of words—the last word being reserved for the man who has the maximum of power to back it up. The fate of Marxism today lends support to the criticism that the meaning of dialectics can be stretched to the extent of making it meaningless. Even if we assume that it has some meaning, it would be evident that the Marxian social theory

stands or falls independent of it. As John Plamenatz observes, dialectical materialism is not really a theory at all; it is a kind of preliminary patter to prepare the mind for historical materialism, which no more rests upon it than a ship does on its own reflection in the water. If the heart of Marxism is historical materialism, the Marxian studies themselves prevent us from appreciating it to a large extent. The relation between the substructure and the superstructure, i.e., the relation between the mode of production and the social ideas and institutions have never been made clear. Sometimes one finds in Marx that the material mode *determines* the rest, on other occasions, that it only *conditions* the rest. If the former is true, Marxism by neglecting the non-economic factors preaches a new orthodoxy and if the latter is true Marxism becomes compatible with most liberal readings of history. Which one is true? Marx himself did not make it clear and the later explanations of Engels further confused the issue. The logic of historical inevitability is based on a mis-reading of history; if history at all reveals its pattern then it does so differently to different philosophers of history. Laws of history are merely attempts to read the observers' private preferences on the plane of history. Universalization of such private opinions may be necessary for a political movement but that cannot validate the theory of Marxism.

Marxian historicism in its attempt to predict the future of human society falls in the trap of a grave error. The future state of human knowledge which will guide the patterns of future human societies cannot be predicted by any contemporary wishful prediction. The confusion of the moral and the inevitable, the desired and the necessary, is something that the militant aspect of Marx demanded and invariably with each such concession Marxism tended to lose its rationality. The Marxian theory of social classes also suffers from great defects. His concept of a class is an oversimplified one. Modern sociology detects several different dimensions in social stratification of which the economic dimension is only one. The status order referring to differentiation of prestige and difference cannot be neglected by any serious observer of modern societies. Another dimension, that of power, is closely related to the class and the status hierarchies, and it cannot be

equated with the economic order alone. The Marxist emphasis upon class struggle underestimates the scope of class co-operation—a fact that can be easily grasped when one carefully studies the modern social scientists' reports on the class structures and processes in the mature industrial societies of our day. It may also be noted that the political demands of nationalism and colonialism may weld the two classes of a society in a common exploiting body. Thus, for instance, the workers and the capitalists of a country may jointly exploit the peasants or the entire population of a country may exploit the entire population of another country—these two being the forms of intra-territorial and extra-territorial manners of colonization. In other words, practice may diverge from theory to such an extent that the latter may be completely meaningless or the theory itself may lead to so many unforeseen consequences that the results may be quite contradictory to the earlier expectations of the original exponents.

Political Consequences. On the level of theory, the political impact of Marx has been extremely revolutionary. Due to his enduring influence, politics has been compelled to consider the comprehensive social context in most of its formulations. The sociological upsurge in modern political analysis is, in a large measure, a product of his reconstruction of political sociology. He has literally forced the attention of political analysis to the problems of social change and economic welfare. In the realm of practice, the assault of revolutionary Marxism on traditional liberalism, has compelled the liberals everywhere to concede welfare of the masses as one of the basic programmes. The modern welfare state is in a large measure a result of the impact of Marxism. As the initiator of a revolutionary social movement on an unprecedented scale, Marxism, as it were, has placed a contingent threat around every possible social default of the rulers in every political system.

The other side of the impact of Marxism is no less interesting. Historical materialism, by according the primacy to the 'mode of production', has sought to underestimate the role of political power. The assumption that when the economic order goes right everything else will follow, has proved to be a source of grave danger. Politically, the potentiality of the

enemies of economic exploitation to raise themselves to a new exploitative status had escaped the imagination of Marx and his sincere successors. It is an irony of history that precisely this flaw has reduced contemporary Marxism to the level of a most complete oligarchical philosophy of political and social organization. Under the banner of Marxism, revolutionary communism has consolidated its power in about half the world in a pattern that has carefully subtracted the politics of freedom from the economics of prosperity. Even this prosperity has meant in practice a differential advantage in favour of a new ruling class—the class of political and economic captains supported by an elaborate bureaucracy and technocracy. The social, economic, and political privileges of this new élite, backed up by a dictatorial political system and totalitarian social control, have tended to support the principle of inevitable domination by a small number of men over the entire society as formulated by Mosca and Michels. By giving themselves leaders, says Michels, the workers create with their own hands new masters, whose principal means of domination consists in their technical and intellectual superiority and in the inability of the masses to control the execution of their commands to their leaders. By neglecting the problems of political power, Marxism has, in theory, neglected the question of democratizing socialism and, in practice, by failing to democratize socialism it has created a new social order based on tyranny and novel stratification. The logic of communism has seemingly surrendered to the logic of oligarchy—ironically enough Marx, it seems, has been overtaken by Michels.

DEMOCRATIC SOCIALISM

Democratic socialism is an attempt to arrange a socialist society in a democratic political frame. At the same time it is also a movement to infuse a socialist content into the democratic way of life. It tries to retain the best of the liberal heritage in politics by combining political freedom with economic equalization. Paying an equal attention to the political, economic and social dimensions of human freedom, it tries to build a new society not by imposition and coercion but by the sober media of persuasion and consent. It begins with an initial advantage of not relying on a single source of socialist

theory and methodology—unlike communism, it relies on no dogma set forth by a single philosopher. No pretension of political messianism can be discovered in its formulations. It does not offer a quick and ready remedy for all social ills. The very nature of persuasion demands that its methods should be less spectacular, just as the very nature of its politics leads to the result that is likely to be more enduring and less endangering than its Marxian counterpart. And yet if the word 'science' is at all to have any place in the discussion of socialism, or for that matter of any social ideal, it is democratic socialism which has the obvious claim on it, for a sense of practical empiricism, which bases theory upon experience and not upon any apocalyptic Utopia, animates the theories of democratic socialism.

The Roots: Fabian Socialism. The basic foundations of democratic socialism were at first enunciated in Britain. The utilitarian roots of British socialism can be easily recognized. Mill, rather than Marx, was the evident starting-point of the first socialists who had an abiding faith in democracy. The later writings of Mill had a definite bias for socialism. Thus, the Fabian socialists, though partly influenced by Marx, do not begin, like Marx, by attacking capital as the stolen fruits of labour which have been filched by the capitalist from the working man: they, as Barker observes, start along the line suggested by Mill, with an attack on rent as the 'unearned increment' of land, which has been stolen by the landlord from the society which is its creator, and to which it properly belongs. Drawing its inspiration from Mill, Marx and Proudhon, the Fabians began after 1884 to supply a new philosophy of socialism. They threw aside the older theory of value as based entirely on labour, and the older policy of the class war, for a theory of marginal values based on utility, and a policy of the gradual socialization of rent. They accepted the principle of the social control of socially created values.

* The Fabian Society aimed at the reorganization of society by the emancipation of law and industrial capital from individual and class ownership, and the vesting of them in the community for the general benefit. It worked for the extinction of private property in land and of the consequent

individual appropriation in the form of rent. It, further, worked for the transfer to the community of the administration of such industrial capital as could be conveniently managed socially. And for the attainment of these ends the Fabian Society looked to the spread of socialist opinions, and the social and political changes consequent thereon, including the establishment of equal citizenship for men and women. It sought to achieve these ends by the general dissemination of knowledge as to the relation between the individual and society in its economic, ethical and political aspects.

With Sidney Webb, George Bernard Shaw, Graham Wallas and other eminent persons upholding the banner of Fabianism, the 'Society' secured a wide reputation for its scholarship, devotion, and sincerity. In 1920 Sidney Webb augmented the Fabian programme with a new declaration on the importance of the trade-union movement, the co-operative movement, municipal socialism and an adequate concept of solving the problem of unemployment. The policy of socialism by permeation was modified in order to make room for socialist work to be undertaken through an appropriate political party. Gradually, with the rise of the Labour Party, its work was reduced to one of intellectual workshop, since most of its activities were now actually taken up by the new Party. Though it had a great faith in the role of a peoples' Parliament and decentralized politics, the Fabian Society was not organized for direct electoral action. It has always remained satisfied with the role of ideological initiative and political persuasion through other channels—many of its members, of course, have taken leading parts in the development of the British Labour Party. The British Labour and Socialist Movement, declares Clement Attlee, has, to a large extent, lived on the thinking of the Fabians. In fact, the influence of the Fabians has also travelled wider and it can be detected in most of the democratic socialist efforts of the world.

Guild Socialism: An Approach. In France revolutionary syndicalism in its anti-democratic and anti-rational craze had sought to abolish the state. In Britain the Fabians, perhaps, relied too much on the state. The Guild Socialist movement in Britain was an attempt to seek a compromise between the socialism that glorifies the state and that which abolishes the

state. In varying degrees, Guild Socialism, according to Alexander Gray, endeavoured to retain a state, even if it might be a truncated and emasculated state; yet with this presumed concession to practicability, the guildsmen, in their outlook and vision, were close kinsmen to the syndicalists. As an organized movement Guild Socialism began with the formation of the Guilds Restoration Movement in 1906 and the National Guilds League in 1915. S. G. Hobson and G. D. H. Cole were its most effective exponents. The objects of the National Guilds League were stated as the abolition of the wage system, and the establishment in industry through a system of national guilds working in conjunction with the state. On the question of the state, the Guild Socialist movement was always ambivalent in its attitude. The main problem before Guild Socialism was, as G. D. H. Cole observes, taking the conditions of production substantially as they were found, to reintroduce into industry the communal spirit, by refashioning industrialism in such a way as to set the communal motives free to operate. According to these socialists, with the abolition of the wage-relationship and the disappearance of the employer, and with the inauguration of workers' control, the way to democracy in industry would be opened. The guild, a self-governing association of mutually dependent people organized for a responsible discharge of a particular function of society occupies a central place in the theories of Guild Socialism. A cluster of guilds—industrial guilds, consumers' guilds, civic guilds and other such associations would be organized locally, regionally and nationally. These would be centres of the new socialist arrangement.

The question of the relation of the guilds to the community raised a controversy among the Guild Socialists. Hobson believed that the state should be the last arbiter but Cole was interested in a more decentralized scheme. In fact, Cole's guild-commune theory denied the sovereignty of the state even in respect of civic questions. Adhering to the 'civic-sovereignty' theory, on the other hand, Hobson claimed that the state should exist in order to concentrate on its civic interests while most of its active administrative functions should be taken over by the respective guilds. Cole's commune, based on functional representation, represented a very different idea and the

followers of Hobson believed that Cole, in advancing his proposals for a commune, had merely destroyed a state in order to build a state, for his elaborate structure would be a joint body representative of all the major interests.

Unlike the Fabians, Guild Socialism relied on extra-parliamentary action to achieve its goal. Through a reorganized trade unionism on an industrial basis, it was to proceed in accordance with the principle of 'encroaching control'—a policy of gradually taking over industrial power by the workers. Nationalization, as a transitional measure, was also advocated by some guildsmen. Following the Syndicalists some advocated the policy of direct action to achieve the actual transfer of ownership. But Cole and others were in favour of a more patient policy. In fact, the history of Guild Socialism is a chronicle of so many unresolved disputes that to many the whole movement appears to be a little less serious than its originators claim it to be. And who defends Guild Socialism today? Many of the leading advocates, including Cole, ultimately switched over to other variations of socialism. In the end it has proved to be a rich reservoir of ideas rather than a doctrine of a socialist movement. Its influence can be discovered in the fact that the trade union movement has become more industrially minded and that there has been a growing consciousness among the democratic socialists of our day about the danger of bureaucratic collectivism, the desirability of producers' participation in industrial management and the value of the functional principle as applied to various organizations. If Fabian socialism has taught the socialists the value of parliamentary action in achieving socialism, the Guild Socialists have shown them the ways to industrial and functional democracy. Taken together, these two elements provide important foundations for the contemporary theories of democratic socialism.

Revisionism and Marxism. Attempts to democratize socialism were carried on in the Continent by some eminent socialists. In the Continent the influence of radical socialism was very strong and yet significant movements to revise the authoritarian trends and orthodoxies proceeded apace. Jean Jaures in France, for instance, believed that reforms were not reactionary; they were necessary preparations to pave the way and prepare for a new social order and by their organic force

hasten the dissolution of the old. Revolution, he felt, was growth resembling the silent budding of the tree in the spring. For Jaures, the Marxian analysis seemed to be outdated because it relied on worn-out historical laws and inexact economic hypothesis. He refused to accept a minority revolution that apparently wanted to work for all people. Violence, he thought, dehumanizes man. For him socialism meant a society of free and equal men living in a democratic frame.

It was in Germany, however, that Marxian theories faced the strongest socialist challenges. From Vollmar's efforts in the early part of this century to the contemporary works of the eminent socialists, the social democratic movement in Germany has never allowed revolutionary orthodoxy any peace. Edward Bernstein was the most celebrated exponent of the basic challenge to Marx while Karl Kautsky and Rosa Luxemburg in their effort to reinterpret Marx opposed strongly the oligarchical elements in the Leninist form of communism. Kautsky thought that Lenin had misunderstood Marx. According to Kautsky the dictatorship of the proletariat can never be confused and equated with the dictatorship of the Communist Party. He thought that Marx had really advocated a democratic government controlled by the proletariat through universal suffrage. The essential point of Kautsky was that neither socialism alone nor democracy alone could end exploitation: both were necessary and a combination of them could be the only way through which socialism could genuinely succeed. Similarly, Rosa Luxemburg, one of the most important socialist personalities of Germany, suggested that freedom alone can make the success of socialism certain. Both Kautsky and Luxemburg were ardent Marxists, but both of them thought that Marxism was basically a democratic theory of mass action and despite the Leninist misinterpretation it could be evidently utilised for a democratic socialist revolution.

But Bernstein was more radical in his challenge and he attacked the very basis of Marxism itself. Attacking Marx, he suggested in 1898 that it was a mistake to believe that the collapse of capitalism was imminent. The law of increasing immiserization of the working class was a myth. The Labour movement itself could check the rate of exploitation. There was no need for catastrophic social action—socialism might be

brought into existence by peaceful, evolutionary means. He opposed the idea of a dictatorship of the proletariat. The democratic vote, he thought, could be a valuable alternative to violent revolution. Democracy, according to Bernstein, is both means and end. This implies that a majority of the population must desire socialism before it comes into being. Bernstein and the other Revisionists, according to Peter Gay, believed with their customary optimism that such a state of public opinion could be achieved. A gradualist reform programme which would bring about socialism would undoubtedly carry the support of the proletariat as well as most of the middle classes. The impact of Bernstein's revisionism on German Social Democracy was decisive and although the Marxists of the orthodox brand, for understandable reasons, decry and ridicule it constantly, a political theory of socialism based upon democratic foundations cannot ignore it. And it is also interesting to note that Bernstein had learnt many of his points from the British Fabians. It is then possible to treat Fabianism and Revisionism as two fraternal lines of thought converging ultimately, together with other currents, including Guild Socialism into the main stream of modern democratic socialism.

Contemporary Democratic Socialism. Since the basic tenets of democratic socialism have not been derived from any single authoritative text, one can only study the common elements of the various democratic socialist theories and experiments that have gained currency. In order to be a democratic socialist one does not require a strict philosophy of life to be accepted dogmatically. In Europe and Asia many democratic socialists have even adopted a humanist interpretation of Marx as their starting point. Generally speaking, however, democratic socialism by rejecting orthodoxy and historicism tend to avoid the closed system of Marxism. With Richard Crossman, they believe that there is no automatic progress or improvement in human nature, but there is an almost automatic accumulation of knowledge and power, which we can use equally for self-destruction or for self-emancipation. They measure the progress of social morality by the degree of equality and respect for individual personality expressed in the distribution of power and in the institutions of law and pro-

perty within a state. This standard is what the democratic socialists mean by the socialist ideal.

This socialist ideal rests on the foundation of thoughts derived from the Fabians, the Guild Socialists, the French Socialists, the German Social Democrats, the Scandinavian and the Asian Socialists and many other sources. Everywhere it has shown a respect for the peaceful methods of social change and democratic constitutionalism. In some cases, as, for instance, in Europe and Asia, it has not hesitated to claim loyalty to extra-constitutional methods, but this has been done only when the condition concerned has not allowed the opportunity to resort to democratic means. When there is a choice of means, it invariably rejects extra-constitutional methods, and even when the latter are used, it refrains from using violence. Once in power, democratic socialism is willing to share power with others provided the peoples' verdict demands it. While in power it proceeds to socialize only the basic means of production coupled with others which may be necessary for social convenience and equalization. It does not believe in total economic planning and it prefers the course of discriminating socialization. It is usually conscious of the bureaucratic dangers of the socialized enterprises and these dangers are sought to be remedied by workers' participation and the conscious criticism of public opinion.

The state under democratic socialism is of a constitutional democratic nature. The rights of the opposition are not suppressed, in the non-strategic sphere of the economy, private enterprise is usually allowed to function under indirect schemes of governmental regulation. Comprehensive social security measures are undertaken by the state. Elaborate fiscal, monetary and other measures assume remedies against unemployment. Positive equalitarian measures are undertaken by the state. In those spheres of life where the government has little to contribute, i.e., art, literature and general cultural affairs, unlike communism, democratic socialism offers a free interplay of ideas. Gradually, an attempt is made to decentralize political authority in order to reduce the dangers of concentrated power. In short, democratic socialism attempts to achieve all the rational human goals—individual or collective—without asking the people to sacrifice their basic freedoms.* A

brief socialist interlude in Britain, the contemporary Scandinavian and Austrian practice and the aspirations of the democratic socialist movements all over Europe and Asia including India, Burma and Ceylon—all these instances indicate the nature and importance of democratic socialist practice and theory. Its pace is undeniably slow; sometimes it suffers from the dilemma arising out of the problems of working out a proper relationship between power and principle. But these are the obvious costs of embracing democracy. However, it does suffer from a fundamental disadvantage in comparison with its contemporary rivals, capitalism and communism; each of the latter has to fight only the other, while democratic socialism has to fight both capitalism and communism simultaneously.

GANDHIAN HUMANISM

Political philosophy, with some important exceptions, has concerned itself mostly with ends; it has paid little attention to the question of means. As we move to a consideration of Gandhian humanism, we have to encounter the means as the basic question of political and social reorganization. And it is precisely here that one is likely to discover the novel essence of the Gandhian political ideal. Indian political thought has never considered the problem of freedom in a primarily material frame. In the so-called free countries, declared Rabindranath Tagore, the majority of the people are not free; they are driven by the minority to a goal which is not even known to them. This becomes possible only because people do not acknowledge moral and spiritual freedom as their object. Man's truth is moral truth, and, Tagore added, his emancipation is in the spiritual life. Mahatma Gandhi's political ideal is a spiritual ideal. It cannot be comprehended by a dry rational standard. A subjective appreciation of the spiritual element immanent in human conduct is essential to the understanding of the Gandhian quest.

The decentralized political order which was advocated by Mahatma Gandhi is difficult to classify in accordance with the established Western categories. Democracy, or real self-government, he said, was possible only in small groups like villages where people knew one another from day to day and had personal relations with one another. Such face to face

social relations would effectively resist the role of the political middlemen in the social system. 'My idea of self-government', he declared, 'is that it is a complete republic, independent of its neighbours for its vital wants and yet interdependent for many others in which dependence is a necessity.' It would be a system of perfect democracy. Self-government means continuous effort to be independent of governmental control. It would imply a radical state-scepticism. In the state of the Gandhian imagination, everyone is his own ruler. He, however, rules himself in such a manner that he is never a hindrance to his neighbour. This should not be confused with either Western anarchism or Herbert Spencer's law of equal freedom. For anarchism presupposes mutuality of interest and reciprocity of services—at least this is so in the concept of mutuality advanced by Proudhon. In the Gandhian concept the basis is completely different; it implies service to the group without demand for return, without suggestion of a necessary reciprocity. Again the Gandhian version is far removed from Spencer because the obvious consequence of Spencer's individuation is the survival of the most powerful—an idea which Mahatma Gandhi would hate from his very heart.

The Gandhian ideal is certainly incompatible with etatist or totalitarian socialism but if socialism comes to mean a decentralized society based on small-scale units and an ethical methodology, it would have little to repel Mahatma Gandhi. Socialism, said Mahatma Gandhi, is as pure as crystal. It, therefore, requires crystal-like means to achieve it. Impure means result in an impure end. Hence the prince and the peasant will not be equalized by cutting off the prince's head, nor can the process of cutting off equalize the employer and the employee. Truthful conduct alone can reach truth. Only truthful, non-violent and ethically pure socialists, said Mahatma Gandhi, will be able to establish a socialistic society.

Gandhian methodology by relying on Satyagraha suggests a novel aspect of politics. Satyagraha, claiming to be more than means, to be indeed, end-creating, observes Joan Boudurant, introduces a dynamic element with challenging implications for political method. Whereas the pragmatic view of John Dewey has focussed attention on the ends-means rela-

tionship as two ways of regarding the same actuality, Mahatma Gandhi, it appears, has gone far beyond—for him means are more than instrumental; they are creative. His quest for creative means derived from a positive spiritual decision has armed man with a gallant ethical arsenal so that man can today resist all oppressions without submitting either to the enemy or to immorality. Even if the entire violent world seems to be pitted against him, he can conquer the oppressors by a mode of resistance, which, unlike most revolutions would not defeat him again. If Western political ideals have given more thought to organizing men for emancipation, Gandhian humanism concentrates on organizing the spirit of man himself. Man can change social forms without changing himself but a far greater accomplishment would be to change man so that for the revolutionized human character all subsequent questions of social change would become relatively easier to solve.

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Chapter XX

POLITICS OF DEVELOPING AREAS

It is a commonplace nowadays to refer to the range and intensity of changes affecting the newly independent countries of Asia and Africa. These countries are developing themselves and initiating rapid and extensive changes in their way of life. A 'developing' or 'underdeveloped' area shares the ambition of maximizing the material welfare of citizens with a 'developed' area. Both the developing and developed areas have identical aims of realizing freedom and equality in political, cultural and economic spheres. The developing areas of Asia and Africa crave the power and dignity accompanying the realization of those aims. The developed areas, e.g., the Western nations have achieved these objectives; the developing areas are aspirants. The West has experienced for a few centuries the changes now pulsating the life in the developing areas. Hence the underdeveloped countries of Asia and Africa have a sense of inferiority which did not plague the Western countries when they were first developing. A sense of urgency prevails among the developing areas today because they are far behind the developed countries.

GOALS OF DEVELOPMENT

Political freedom and equality are a fundamental objective of developing areas. Like the Western nations the developing areas value the right of the people to govern themselves; the people of the underdeveloped countries will select leaders and erect institutions to realize the collective aims they formulate. The relationship between the Western and non-Western peoples since the beginning of the sixteenth century has, to a large extent, shaped this insistence on sovereign self-government on the part of the developing areas. Western imperialism, appearing in the 16th century, gathered increasing momentum after the Industrial Revolution and engulfed the whole world. The Western countries talked of civilizing the peoples of Asia and Africa, but as they colonized their territories, they

also exploited them to their own advantage. Nobody would deny that colonies gained in some ways in spite of the sufferings involved in foreign domination; the Western rulers contributed to progress in the fields of health, sanitation, administration, education and economic development. But this progress was not necessarily the essential aim of the imperialists; it was the by-product of a system that had the fundamental objective of serving the needs of their home country. There were humanitarians among peoples of imperialist countries; but it is not to be assumed that the benefits which accrued to the colonies were the direct objective of imperialist rule. They were created so far as they did not damage substantially the interests of the imperialist country. It was not neighbourliness that prompted the colonial countries to initiate Westernization in the subjugated lands; they were driven by the desire for economic benefits and political power. In any event the subjugated countries received the benefit of some modern development. After the second World War many countries broke away from Western rule, but the fear of foreign domination still persists in most areas.

The developing areas are committed to the achievement of cultural freedom and equality. Every people has its distinctive way of life and history, its language and symbols, bestowing on it a unique cultural identity. It jealously guards against the suppression of its own traditions; it will resist their replacement by alien cultural traditions. Self-government provides a channel of expression for this cultural consciousness and a weapon of defence against external threats to native traditions. When self-government eludes a people, it becomes impassioned in asserting its cultural distinctiveness and thereby tries to secure a compensation for the inability to achieve political emancipation.

Economic freedom and equality constitute another key objective of the underdeveloped countries. Political and cultural freedom may be rendered meaningless in the absence of economic freedom. If a people does not establish a mastery over its economic destiny its political and cultural independence stands easily assailable. Political and cultural freedom can be safeguarded once economic liberty is well secured. The low per capita yearly income in the developing areas supplies

additional emphasis upon this goal of economic freedom and equality.

THE PROCESSES OF CHANGE

The developing areas have drunk the heady wine of modernization. Europe's domination over them, lasting for centuries, was setting in motion an expansive process of modernization. As Europe retreated and the countries acquired independence the speed of modernization was hastened. While we study some of the fundamental changes working in the underdeveloped areas, however, we must not look upon colonial policy as the root of all of them.

Urbanization. Traditionally the village has been the primary unit of social life. Cities have served as centres of political power and court life. Trading centres have grown up with the invasion of the Europeans and the gradual extension of their influence; these trading centres are not set up for pure trading; they are also designed to meet the needs of defence and to act as administrative headquarters. Cities, however, have always acted as a centre for the dissemination of new ideas. Commercial and administrative activities were the basis of cities in Asia and Africa before the advent of Western imperialism. Commercial activities were often a function of the position of cities as political centres. If a city ceased to be a political centre, it might be ruined, e.g., Asoka's capital Pataliputra in India. Nowadays cities such as Calcutta or Colombo, Bangkok or Bombay, have become the nucleus for the propagation of Western ideas. Social changes frequently begin in such cities. New experiments are started in these cities which form the seed-bed of new thoughts and techniques of organization. They often produce the people who are able to define the expectations of the nation and assume national leadership. The élite society dominating the politics of developing areas has its home in cities.

Urbanization has been caused mostly by the vast migration of rural people to the cities. In Bombay, for example, immigrants from rural areas constitute 75 per cent of the population. The pressure of population in villages compels villagers to migrate to cities and find work. This explains the largely masculine character of immigration and there is over double

the number of males as against females in the factory areas of Bombay. Villagers pour into the cities because there is overpopulation in agriculture and a dearth of village industries providing alternative employment opportunities.

As a result of urbanization the cities contain masses of restless uprooted people. They are restless because they witness before their eyes much more comfortable ways of living than they have been able to manage. They are rootless because their social moorings lie in villages. Their dissatisfaction drives them increasingly to political activities. They may be incited to violence by crafty politicians. They, moreover, carry the current ideas of the city to their respective villages where they are eager to settle when finances permit. Even if they do not go back to villages permanently, they visit their homes when there is a wedding or a death and on other occasions; villages are immediately brought in touch with urban ideas.

Secularization. Religion was the traditional bond between the rulers and the ruled in many countries of Asia and Africa. To a large extent this bond was shattered by the impact of the West. But it cannot be said that secular attitudes dominate the social and political life of underdeveloped areas at the present day. There are important sections of the people in Burma, or Malaya, for example, who believe that government should be based on religion. In some cases religious leaders have tried to guide the national movements. There are so many divisions of class, caste and language in developing areas that even secular-minded politicians have sometimes been compelled to utilize religion as a unifying force. But as a force for cohesion religion has got limited potentialities; it brings together some elements, but it invariably alienates others. The rulers of Pakistan can unify and capture the loyalty of the majority community in the name of religion. Pakistan, therefore, has been declared to be an Islamic Republic; the Muslims, forming a majority, are happy to respond to the call of religion. For millions in South-East Asia Buddhism remains a dynamic force; the religious values come to be interwoven with secularized values. But Western education has visibly modified many social practices mixed up with religious belief. In India, for example, caste prejudices are gradually being corroded. Inter-caste marriages are not totally

uncommon. The taboo on foreign travelling in India, deriving its legitimacy from religious convictions, has almost disappeared. The social and political scope of religion is being considerably narrowed in the underdeveloped areas.

Westernized Education. The people of the developing areas have been acculturated to the values of the West mainly by means of Westernized education. The European powers, with varying enthusiasm and emphasis, introduced Westernized education in the colonies. Many Europeans sincerely wanted to uplift the people in colonies. But the real impetus was provided by the need to train persons who could fill the posts of clerks and lower-level administrators. The effect of Westernized education was far-reaching. A Western-educated class came into being and began to nourish common ideals based on the writings of Europeans. Western ideologies penetrated their minds; Western political organizations began to capture their imagination. Members of this class also initiated political movements to realize the ideals of self-government and liberty which permeated Western literature. It is a significant fact that membership of the political élite in the underdeveloped areas is determined more by Westernized education than by class, income, or occupation. Leaders of the national movements were largely recruited from the ranks of the Western-educated class. The same group retains leadership in the newly independent territories. The attitude has grown that careers of power and prosperity await children who receive their training in the Westernized schools. Westernized education is often viewed to be the passport to a world of wealth and influence. When these expectations are not realized in practice, many persons coming out of the Westernized schools remain frustrated antagonists of the existing order.

In the colonial age the emphasis in Western-modelled universities was on the humanities and liberal arts. After independence the underdeveloped countries were bent upon rapid industrialization which dictated a shift of emphasis. The universities of these countries, therefore, are trying to strengthen their programmes in science and engineering.

Commercialization and Technical Innovation. Western economic activity in the colonies was at first confined to

trading—then it extended to mining and other extractive enterprises. This, however, did not place the economies on a higher level of industrial production. It did not lead to a rise in the standard of living of the masses. At the same time the people were lured by the prosperity of the European managerial class. They sometimes believed that with the departure of European masters there would be no bar to rapid industrialization and an automatic rise in the standard of living. After independence planned industrialization has been the general aim of the underdeveloped countries. But they realize that expansion of industrialized activities faces numerous problems of threatening magnitude. Countries like Pakistan or Ceylon have not the requisite raw materials for heavy industries. Pakistan, for example, has no pig iron. With the partition of the Indian sub-continent the jute mills of West Bengal in India ran into difficulties; for jute was grown in East Bengal belonging to Pakistan. Planners and politicians in the developing areas are also baffled by controversies on the relative importance to be attached to agricultural and industrial programmes, to investments by the public and private sectors. They cannot easily decide upon the roles assignable to large-scale and small-scale industries, and to foreign capital.

Restratication. The traditional stratification between the peasants and the aristocracy was disarranged due to the Western impact. New social groupings have been produced by the combined consequences of urbanization, Westernized education and commercialization. Societies have come to be stratified on a new basis. A fundamental division lies at present between the rural population and the urbanized classes. In some countries the peasants and aristocrats were slow to discard their traditional roles in response to economic changes introduced by the West. Many commercial functions opened up by European rule were assumed by Indians and Chinese in Burma and Indonesia while the Burmese and Indonesians clung to their traditional ways of life. In the Philippines, on the other hand, the land-owning aristocrats quickly turned to commercial activities originated by colonial rule.

The criteria for social status have been reshaped. In India the Hindu society made social status traditionally dependent

upon caste. Nowadays university education has become a primary source of social status. Caste as a source of status has not been totally rejected; but prestige and power arising out of political, economic and educational factors have come to regulate social status. Belief in attainment of social status by merit and acceptance of the doctrine of equality before law have ushered in a value system clearly incompatible with caste.

Western colonial rule saw the emergence of new commercial classes and land-owning classes, e.g., the plantation-owning class and the landlord class. Restratification at present is marked by the rise of technically skilled classes and a lower middle class in small towns. The former are much less attracted to party politics than the latter. The former are absorbed in organizations for economic planning, industrial establishments, research institutes, etc. They are technology-minded and have side-stepped the traditions of liberal arts and humanities. The lower middle class in the towns, comprised of lawyers, shopkeepers, teachers, etc., has a taste for party politics. These people often drag religion into politics—thus, many Ceylonese belonging to this group advocate that Buddhism should be recognized as the state religion.

Population Growth. A basic fact to be borne in mind is that population in developing areas is not diminishing; it is expanding everywhere and not at an insignificant rate. It does not matter whether the rate of growth is lower in some areas than that in Western countries like Canada or the U.S.A. The material consideration is that an overwhelming majority of the people in underdeveloped countries lives at the subsistence level. Improved public health measures, hospitals and sanitation facilities have reduced the death rate, while there has been no corresponding fall in the birth rate by a widespread adoption of birth control techniques. Steady population growth promotes modernization. It makes rapid industrialization unavoidable. It necessitates an immediate increase in agricultural productivity or in the area of cultivable land. Otherwise, discontent in rural areas which are already densely populated will rise remarkably. It may drive rural people to overcrowded cities; that may be the prelude to a political explosion. Politicians may press for the establish-

ment of cottage and small-scale industries in order to avert underemployment or unemployment in their localities. But planners, taking a much broader view, may urge the establishment of capital goods industries. Population growth in the developing areas has thus become a hub of continuous changes.

POLITICAL INTEGRATION

The processes of change have not produced a national consensus facilitating reintegration under altered circumstances. All spheres of life have not been uniformly affected by these processes. Many divisions, intensified by emotional reactions, are fostered by the processes themselves. It cannot, however, be maintained that chaos and disintegration have resulted from the processes of change. Diverse elements in the population have separate orientations standing in a continuum from traditional to modern urban life. The dimensions of the problem of integration can be easily realized when we note that the processes of change have operated upon wide cultural differences. The varied cultural heritages of the people in, e.g., India, Indonesia or Malaya have always made the task of political integration immeasurably difficult. Westernization surely cut across cultural diversities and people sharing different cultural traditions came to be unified by their devotion to modernization. But the scope of Westernization was limited; it could not pervade the majority of the people and instil in them a common conception of the future. A more serious impediment to political integration is the frustration reigning in the minds of tradition-bound peasants and urbanized citizens. The peasants are afraid of objective conditions obliterating the traditional ways of life. Citizens having patterns of thought consistent with a modern urban way of life feel disappointed as they cannot reach the high standard of life appropriate to an advanced industrial society.

National integration is intimately connected with the future of democratic government in the developing areas. The national states have to reconcile diverse and conflicting loyalties; the situation is reminiscent of Europe between the 16th and the 19th centuries. They have also to create a political process that can absorb new social classes and satisfy their interests;

the Western countries had to face the same problem in the 19th century and also in the present century. The competing economic groups may be provoked to wage a class war; religious antagonisms may lead to a civil war. The evils of fragmentation and totalitarianism may appear.

India suffers from ethnic-linguistic divisions. Assam has been torn by conflicts between tribal people and others, Bombay by conflicts between Maharashtrians and Gujaratis resulting in the creation of two states, Madras by conflicts between Brahmins and non-Brahmins. Ceylon is plagued by divisions between Tamils and Sinhalese. The Indian population in Ceylon is significantly large; their nationality is different from that of the Ceylonese. There are political and cultural differences in Ceylon between élites who speak English and élites who speak the vernacular. Ideological differences between democrats and totalitarians exist in Ceylon, as in India or any other underdeveloped country. Pakistan provides a very interesting example of the problems of integrating a national community. The two parts, East Pakistan and West Pakistan, are separated linguistically, culturally and even geographically. Within West Pakistan the Pathans demand a separate state. East Pakistan finds the divisions between the Moslem majority and the Hindu minority almost unbridgable.

In order to avoid national disintegration the governments of these developing areas have sometimes to use coercion. Ceylon established martial law in 1958 when Tamil-Sinhalese antagonisms erupted into large-scale violence. In India also coercion had to be resorted to on occasions to maintain law and order. Coercion, however, cannot be the permanent basis of a national state living under a stable governmental system. All societies contain differences; the problem is to devise means for their peaceful reconciliation and bolster national unity.

Religion has been used, during the period of freedom movements and also after the achievement of freedom, to secure national integration. Pakistan, for example, has her origin in religion, i.e., Islam. Political leaders utilize Islam to earn popular loyalties and cement unity amongst the members of the majority community. In India leadership is predominantly secular in temperament; Nehru and his associates do not appeal to Hinduism for preserving national unity. The

state emblem of India, the Asoka Pillar, glorifies neither Hinduism nor Islam, the two principal religions in the country. Ceylon has used Buddhism to prop up national unity; this policy, however, is a source of fear to non-Buddhist minorities.

In the era of industrialization, governments successfully use factories and dams as symbols of national unity. They perform a similar function as they publicize archaeological sites. But a sense of national achievement is more readily communicated by dams and factories than by architectural monuments of the past. When a dam is projected to be built or a factory installed, the Prime Minister may hurry to preside over the opening ceremony. Films may be prepared and circulated throughout the country. This fosters national unity by awakening in the people a sense of national purpose.

The charismatic appeal of national leaders was an obvious base of national integration in the days of independence movements. Gandhi in India, U Nu in Burma, and Sukarno in Indonesia illustrated this fact. It is present even after independence, although it cannot be a stable and permanent basis of national unity. It holds sway over traditional elements in the community averse to gaining a rationalistic understanding of politics. They are accustomed not to question the innate superiority of rulers and not to demand responsiveness of governmental policies to popular desires. They can, therefore, possess a sense of identity with leaders more easily than the urbanized elements who have rejected traditional images of authority and who insist that governments must translate popular interests into public policies. The traditional elements are usually unable to articulate and aggregate their interests. But the urbanized elements can do so and they become disillusioned when they are not granted effective access to the political bargaining process and when their interests are not satisfied. As they hear the appeals for national unity addressed by national leaders, they feel they are simply being advised to accept an unwholesome position.

Politicians may use foreign policy as a lever for national unity. Pakistani leaders have too often whipped up anti-Indian sentiments and unduly magnified the adverse effects of India's policy towards Pakistan. The impressive role played

by India in world politics has unified Indians imbued with a common national pride.

National leaders in underdeveloped areas carefully formulate slogans of national unity. The slogans are vague appeals to national unity. Vagueness arises out of the fact that in developing areas the special interests of different groups are not clearly articulated. Appeals are not based on actual compromises between articulated real interests. These sometimes distract public attention from the differences existing within the country. Such slogans can hardly provide an enduring basis of national integration.

Political parties may be able to generate national unity. While they propagate their views they can condemn parochial tendencies and weaken the divisive forces of caste and religion. On the contrary, during election campaigns parties go crazy after votes and may cater to caste or communal prejudices in order to ensure victory in elections.

The educational system and mass communication media may be organized to promote national integration. Educational institutions may inculcate ideas strengthening the bonds of unity among the people and minimizing the importance of particularistic loyalties. The mass communication media may select and disseminate information that will inspire people to identify themselves with the nation as a whole and not simply with one locality.

It is difficult to predict how far or how quickly the developing areas will achieve national integration. Much depends on the emergence of competent leaders who can realize the high hopes raised in the public mind during the hectic period of the independence movement.

THE PROBLEM OF ECONOMIC GROWTH

The difference between the poorer countries of Asia, Africa, Latin America and the advanced countries like the U.K., the U.S.A., the U.S.S.R., Canada or Japan, is measured chiefly by the size of real income per head and the extent of industrialization. A country's wealth is most authentically represented by the size of national income per head of population. India's poverty is indicated by the fact that she has £25 as the national income per head of population per year. The

corresponding figure for the U.K. indicating her wealth is about £350; in the U.S.A. it is approximately £700. These figures may sometimes misrepresent the economic conditions under widely varying systems. In a low-income country like India the rupee equivalent of a U.S. dollar, for example, can procure much more labour services than can be imagined in the U.S.A. One beneficial result of industrialization is held to be the availability of increased leisure hours to workers in advanced countries. But, workers in low-income countries often enjoy more leisure than workers in industrial countries because of lack of employment opportunities. Again, the Federation of Malaya has a higher income per head than Japan, although the former is a developing area and Japan enjoys far higher standards of living than the former. Then, the people in some advanced countries have to spend much more of their income on warm clothing and transport than the people in underdeveloped areas.

The difference in the size of national income per head of population, therefore, may not accurately portray the difference in the standards and patterns of living. But it is undeniable that there exists a shockingly wide difference between the standards of living in the developing areas and the advanced countries. The former consume about 2000 calories of food per head per day, while the latter consume over 3000 calories. Housing in the former is miserable; shacks of bamboo and mud often pass for houses. In an underdeveloped country a person consumes less than 15 yards of cloth per year; in a developed country the amount is several times higher. Differences as to education and health also are alarming.

But the problems of economic growth confronting the various developing areas are numerous. The contrast among them as to the standard and mode of living, the extent of industrialization achieved or attempted, and the size of *per capita* national income is also significant. Differences in the degree of underpopulation or overpopulation, the degree of control exercised by the governments over the economies, are also important considerations.

State Control. As to the extent of state control over the economies in developing areas a sharp contrast exists between communist and non-communist countries. The governments

in communist underdeveloped areas completely control the economies, while private enterprise, private property and free consumers' choice are allowed by the governments in non-communist countries. Some non-communist governments, e.g., India, impose more rigid controls over the prices of food-stuffs and the working of private enterprises than others. The non-communist government of Turkey owns a larger number of factories than many others. But the resemblances between the activities of governments in non-communist developing areas are impressive. Most of them own and operate rail, transport, electric power and other public utilities; many of them have set up or propose to set up chemical and fertilizer plants, oil refineries, steel mills, and similar industrial establishments. Needless to mention that all of them, like any government in the developed country, have undertaken general administration, roads, defence, etc. They spend varying amounts on education and health measures mainly according to their resources.

A government is able to enforce a high level of saving and investment if it plans and controls every aspect of the economy. For rapid economic development factories, railroads, irrigation projects, power stations and other means of production have to be constructed. Resources, human and non-human, have to be diverted to these purposes. This will lead to a decline in the already low standard of current living. If the government controls the economy completely it can more easily impose hardships and sacrifices on the poverty-stricken people and step up the accumulation of capital assets. This will, of course, produce a faster expansion of output in the future. The government can tax the people heavily, compel them to subscribe to government loans, force agriculturists to sell surplus food at low prices to the government which will feed the industrial workers with it. All such policies of speeding up development at the expense of intensifying the hardship and misery of the people for the time being may be adopted far more confidently and effectively by a communist government than by a non-communist government. The ruling party in a parliamentary régime is afraid of exacting too much from the people, infuriating them and being unseated in the next election. A communist government also may be

overthrown by force if it coerces the people to sacrifice too much. It has, however, one important advantage over a government in a parliamentary democracy. It can, while the latter cannot, somehow persuade the people that they should tolerate all hardships for the sake of a higher standard of living in the future, because it controls all the media of communication (unlike the less fortunate government in a parliamentary democracy) and can condition the people psychologically by means of intense uniform propaganda. Thus, there is a marked difference in the proportion of investment to national income between communist and non-communist underdeveloped countries. In most of the latter countries investment is about 10 per cent or less of the national income; in China, on the other hand, it is over 20 per cent.

The rapid economic development in China since 1949 has lured other countries to think of adopting the communist way and instituting all-embracing state control over the economy. The conclusion seems inescapable that there has been a substantial expansion of heavy industries in China since the communists came to power. But it must be noted that the standard of living of the overwhelming majority of the people is extremely low. Nor is the limited success achieved by communist rulers wholly due to the communist technique. Much of the stir caused by the success is due to the contrast between the new régime and the old Kuomintang régime which reached the nadir of corruption and instability. Valuable Soviet assistance to China has also been an important factor in the latter's industrial development.

Priority to Industrialization. The priority to be attached to the establishment of heavy industries in developing areas is a matter of controversy. Dazzled by the industrial wealth of the advanced countries, the underdeveloped countries may look upon the quick installation of manufacturing industries as a short cut to prosperity. Unless each country assesses its resources and finds out whether it is fit to establish certain types of industries, its development may be retarded by the craze to concentrate on the rapid establishment of heavy industries. India's economy is prepared for the establishment of steel mills; not so is every other developing economy. Economic development may have a sound footing only when there is a balanced

emphasis on improvements in agriculture, power, transport, etc. If this fact is ignored, despite vigorous attempts at quick industrialization, stagnation overtakes the developing areas; this has, in fact, been the fate of Argentina or Pakistan for the last decade.

The basic need of the people is food. In the underdeveloped countries the majority of workers are agricultural workers; the percentage of workers engaged in producing food is sometimes as high as 80 and possibly nowhere less than 60. In the developed countries agricultural output per worker is much higher than in underdeveloped countries and the percentage of workers engaged in agriculture is also much less. In spite of the fact that the majority of the people in developing areas are employed in agriculture, they suffer from malnutrition; their diets are unbalanced qualitatively and inadequate quantitatively. The fundamental aim of underdeveloped countries should be to raise agricultural output per worker appreciably. Many workers then can be diverted to the non-agricultural sector without leading to any food scarcity. The amount and variety of agricultural products has to be considerably increased for building the base of industrialization. If the supply of power and means of transport is also suitably expanded the foundations for steady economic progress will be laid. The developing countries have one advantage which was not enjoyed by today's developed countries at the time they were developing themselves in the past. Improved techniques or machinery, whether in agriculture, industry or transport, were slowly discovered by such countries as the U.K. or the U.S.A. through a prolonged process of trial and error. The developing areas of today can learn advanced techniques from the developed countries. They can also borrow machinery from the advanced countries. In this way they can accelerate the pace of development. They can develop more quickly than did the advanced Western countries in the past, who were pioneers in industrial development.

Economic Aid. It is quite commonplace that the gulf between the developed and underdeveloped countries is so wide that the latter cannot hope swiftly to catch up with the former without substantial economic aid coming from the former. But how would the developed countries be motivated

to grant economic aid to the poorer countries? Some may attribute their decision to provide economic aid to their enlightened self-interest. Economic aid will promote the economic growth of the developing areas; this will ultimately lead to an expansion of international trade from which the aid-giving country will benefit. This argument cannot be easily accepted. In the short run, economic aid does not produce any benefit for the aid-giving country as the above-mentioned expansion of international trade can take place after a long period. An advanced country, if it wants to serve its interests, can far more profitably build roads, hospitals and houses at home rather than assist an underdeveloped country. It is incontestable that the country providing economic aid is making some sacrifice.

Statesmen in the aid-giving country (e.g., in the U.K. or the U.S.A.) may admire themselves and think that economic aid is a prophylactic against communism. They may utilize this argument to get the legislature to agree to a foreign aid programme. The argument is, however, misleading. The people of India, for example, cannot be bribed—and the bribe would not be more than a few rupees per head annually—into toeing the line of a foreign country; there are more compelling reasons for and against adopting the communist way of life. If a country, again, is afraid that it may be overrun by an expansionist communist neighbour, it would not rely on economic aid as a protective weapon, it would better negotiate for military aid. Moreover, in the nuclear age the military importance of wooing an underdeveloped country by means of economic aid is almost nothing; for the underdeveloped countries, not possessing nuclear weapons, can hardly modify the results of an armed contest between the two power-blocs.

In the ultimate analysis, the most convincing argument for furnishing economic aid appears to be a regard for common humanity. Within the national community instruments of public finance are utilized to raise the standard of living of the poorer people; the state offers the educational opportunities and other social services. In the international community the less fortunate members should also be helped by the wealthy members who can afford it. The richer countries must not withhold economic aid on the plea that much

of it is likely to be wasted on account of inefficient administration in developing countries. They should take proper steps to ensure that financial assistance does not vanish down the drain of corruption, wastage and lack of policy.

The advanced countries should not also be discouraged by the tendency of many developing countries to neutralism. The developing areas may be prepared to accept aid from the U.S.A. as also the U.S.S.R., for they need it desperately. They are also afraid of unconditionally committing themselves to the policy of one power-bloc or another. They are conscious that in the age of missiles the U.S.A. or the U.S.S.R. possesses almost an instantaneous capacity to wipe them out of existence. They do not wish to incur the wrath of either of the two giants by embracing neutralism. Even if neutralism may have the synonym of opportunism it does not stand condemned. One is tempted to take an illustration from the history of the U.S.A. In 1792 revolutionary France had to face Great Britain, Austria, Prussia, Sardinia and the United Netherlands in the war of the First Coalition. A momentous question arose as to whether the U.S.A. should uphold the ideal of liberty and fight for France with whom she also had a treaty of alliance. But George Washington decided to stay neutral. The U.S. policy stood justified because she was being guided by the reasoning of national self-interest. The same argument of national self-interest propels the policies of underdeveloped countries as they become inclined to neutralism. This policy of expediency, therefore, must not make the richer countries decide against supplying economic aid.

Economic Development and Representative Government. There is no doubt that a strong economic base facilitates the functioning of representative government. Representative institutions can flourish with comparative ease when economic development promotes social and educational progress and supports a well-paid, satisfied and competent bureaucracy. But, as the history of economic development in different countries indicates, there is no guarantee that such development will necessarily lead to a liberal democratic system. Economic development in Germany, Japan and Russia—they were late comers to the field of industrial development—did not automatically breed the institutions of liberal democracy.

It may be contended, on the other hand, that for those who plan the development of a country and act for it, the authoritarian method is less cumbersome than the democratic method. If they take the authoritarian road, they can complacently disregard popular desires for some objects and popular aversion to some projects; they can accomplish economic development of the type they approve far more quickly than if they follow the democratic way. For the democratic way involves ascertaining the wishes of the people, assessing their reactions to policies already implemented or announced, and waiting uneasily for the popular verdict at the next election. In most of the developing areas the traditional image of a ruler in the minds of the vast mass of illiterate people is that of one irresponsive to popular demands (excepting cases of mercy) and living in pomp and grandeur. The dire poverty of these people may combine with this traditional idea and induce them to accept dictatorship especially if by skilful propaganda the dictator can persuade them that his promises of speedy economic advances merit acceptance.

It is not certain whether the developing areas will be able to avoid regimentation in achieving economic progress. The developed Western countries (e.g., the U.K., or the U.S.A.) constantly advise them to apply liberal democratic methods. But statesmen in underdeveloped countries are not unaware of the fact that these Western countries, while they were being developed, could not always adhere to peaceful, humanitarian and democratic methods. The very foundation of nation-states in Western Europe was laid by monarchs who practised authoritarianism and every form of violence and treachery. The power of royal despots could not be curbed without armed clashes and bloody persecutions. Even England, boasting of a bloodless revolution in 1688, had to pass through a period of slaughterous civil war and Cromwellian dictatorship. The majority of the British people did not get the right to vote until after the middle of the 19th century, while the Industrial Revolution had begun in the preceding century. And the British women got the same rights of franchise as men as late as 1928. As the British economy took the crucial initial steps towards industrialization the British workers had to work for 84 hours a week and live on subsistence-level wages. And

Marx's attack on capitalism had its factual basis in the British economic system which accumulated capital and at the same time accentuated the poverty, misery and degradation of industrial workers. Thus, at the decisive stage of capital formation Britain could not employ humanitarian methods. The underdeveloped countries may doubt whether they will not have to use coercion in order to step up economic development. The developed Western countries, if they sincerely want that the developing areas should not turn to authoritarian ways, must provide economic aid which may enable the underdeveloped countries to abstain from coercion in the vital tasks of land reforms, capital accumulation and establishment of industries. The West faces a challenge—let it prove its fidelity to the ideals of liberal democracy by facilitating their acceptance in the developing areas of the world.

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Chapter XXI

NATIONALISM AND INTERNATIONALISM

NATIONALISM is one of the most dominant forces in the modern world. With the growth of nation-states it has shaped world history. In the 20th century it has been a lever for large-scale changes in Asia and Africa where new nation-states are emerging on the ruins of imperialism. This imperialism, too, has been a product of the quest for furthering national interests that goaded European nations to embark on colonial enterprises since the 16th century. The nation-states are the political units of the modern world, and nationalism seems to be one of those creeds for which men fight and die, struggle and suffer.

Nationality, Nation, and State. The distinction between these terms is bound to get hazy as these are often used loosely without any proper appreciation of their inter-relationships. To quote the definitions formulated by different writers is to foster confusion. In order to minimize the possibility of errors or misjudgments it may be stated that a nationality refers to a group of people who have the consciousness of togetherness and of their separation from similar other groups with similar common sympathies. The members of a nationality are kept together and united by some or all of the following factors—common experiences and historical memories, community of race, language or religion, allegiance to a common government, geographical limitations, cultural homogeneity. When a nationality comes to have an independent political organization, it is said to have developed into a nation. 'Nation', 'State' and 'Nation-state' are often used synonymously. It should be noted, however, that a state may include within its boundaries more than one nationality; Switzerland, India, the Soviet Union and some other states contain several nationalities. Again, members of the same nationality may find themselves scattered in different states; members of the French nationality are found in Belgium or Switzerland.

COMPONENTS OF NATIONALITY

Herd Instinct. Man is a gregarious animal. He feels insecure if he does not belong to a herd. He accepts the decisions of the herd in various matters of day-to-day existence. He usually takes the food recommended by his group and subscribes to opinions favoured by the group. In order to promote the interests of the group he is prepared to make sacrifices unresistingly. The herd instinct is one of the indestructible bonds uniting a group of people.

Race. Ethnologists may distinguish between different races according to the shape of skull or colour or hair. But it is impossible to discover a pure race. Men for centuries have travelled over different parts of the world and races have intermixed. Marriages also have cut across racial strains. A pure race is a chimera. Any nationality, e.g., British nationality, is composed of various racial elements. There may be racial similarities between members of a nationality; but they do not belong to a unique race. Their ancestry may be common; but it is always multiple.

Those who emphasize the racial unity of a nationality have often a chauvinistic aim. They want to prove that one particular race is superior to, and therefore has the right to subjugate and exploit, other races. Hitler deliberately preached that the German race was the superior race and persecuted the Jews because they were destroying the purity of the German race. Hitler stated that the German race had the right to dominate and civilize the inferior races. In the United States there is still an idea dominating the mind of a section of the white people that the Negroes belong to an inferior race and should not therefore be allowed to be integrated into the American nation. Races, however, cannot be scientifically divided into superior and inferior types. Virtues or vices are not the monopoly of particular races.

Religion. The formation of many nation-states was considerably aided by the existence of common religious ties. The foundations of the nation-state in England were laid by the attempt to establish an independent church during the Reformation. The unity of the Jews could survive many catastrophes largely because they adhered to a common religious code. The Shinto religion was the mainstay of nationalism in

Japan. Each prince had the right to settle the religion of his state: this was the slogan of the Reformation. But rulers discovered that the best way to pacify and secure the political loyalty of recalcitrant religious minorities was to tolerate religious divergences. The creed of the Reformation, therefore, gave way. Nowadays religion as a basis of nation-states has much less importance. The U.S.A., for example, indicates how individuals holding diverse religious beliefs form more or less a compact nationality. The partition of the Indian sub-continent in 1947, however, resulting in the creation of India and Pakistan solely on the basis of religion, proves that the force of religion has not become insignificant.

Language. A common language firmly holds together a group of people. In the U.S.A. the children of immigrants from various countries have been easily moulded into a common nationality by means of language. The national feeling in Europe was slow to grow when Latin was the universal language. As English, French, German, Italian and other languages began to replace Latin the growth of nationality was facilitated. It has been observed that the English language and the English nation have developed together. The importance of language derives mainly from its being the carrier of traditions. As political cataclysms overtook Poland on account of the aggressive designs of neighbouring states, language preserved the sense of independence of the Polish people. Ancient history illustrated how the strength of a state was reflected in the vitality of the language: the language of ancient Greece or Egypt developed or decayed with the kismet of those states. Of course, a nationality may exist despite linguistic differences: the Swiss nationality is multi-lingual.

Government. Diverse groups may be welded together to form a nationality by the habit of obeying the same government. Submission to a common authority for a long time may forge strong bonds and ultimately bring into being a nationality. This factor has operated to keep together the people in England, Scotland and Wales. But it does not necessarily lead to the formation of a nationality. The Austro-Hungarian Empire was perpetually menaced by separatist nationalities and it totally disintegrated after the first World War.

Tradition and Sentiment. None of these factors discussed above necessarily produces a nationality which is essentially a matter of feeling. This feeling is nourished by tradition which may be interpreted as a mixture of all these factors. Nationality implies a frame of mind among the members of the nationality. Memories of the past, of battles lost and won, of principles tested and accepted, form a heritage that the members strive to maintain at present. Music, literature and folklore perpetuate historical memories acting as a cohesive force. One striking illustration of the strength of historical traditions was provided by the Czechs who became a state in 1918 after three centuries of alien domination. Of course, all historical events cannot be considered as rich inheritances; a nationality draws its inspirations from those which add to its glory; the Americans remember how successfully they fought the British for independence, the Englishmen remind themselves how they fought France in different ages. If suitable historical traditions propping up national sentiment are lacking, they would be invented; the Nazi party in Germany cultivated many myths to stimulate the national ambition of Germans and convince them of their mission to dominate the world.

Symbols. Various symbols are used to represent national tradition and impress it upon the public mind. The national flag is an important symbol of nationality, a focus of national sentiment. Members of the nationality adore the flag which appears to be identical with a portion of humanity. The national anthem is another universal symbol; men prove their allegiance to it and stand up while listening to it. 'Jana Gana Mana' is in India a rallying point for national feeling. Uniforms of armed forces constitute another symbol. Troops display masses of flags and their bands play the national anthem during parades on such occasions as Independence Days, thereby heightening the national consciousness. A state preparing for war and trying to enlist mass support for the war may use such symbols too often and too spectacularly, as did Nazi Germany. Memories of national heroes, their exploits and legends built around them, are very effective symbols; remembrance of Nelson in England, Napoleon in France, Washington in the U.S.A., Cavour in Italy, Gandhi in India

stirs up national feelings. A slogan like 'Liberty, Equality, Fraternity' in France, or a shrine like Lenin's tomb in the U.S.S.R. are vital symbols keeping alive national sentiments and perpetuating the national tradition.

'DEVELOPMENT OF NATIONALISM

The nature of nationalism has been best described by Hans Kohn. He writes: 'Nationalism is a state of mind, permeating the large majority of a people and claiming to permeate all its members; it recognizes the nation-state as the ideal form of political organization and the nationality as the source of all creative cultural energy and economic well-being. The supreme loyalty of man is therefore due to his own nationality, as his own life is supposedly rooted in and made possible by its welfare.' The evolution of nationalism took place over many centuries, a large number of factors creating it and changing its form in the course of time.

Nationalism has its roots in group-consciousness manifested in the feeling of tribal solidarity. But a tribe is not a nation; a tribe does not have the political machinery and the cultural treasures characterizing a modern nation. In the ancient days, however, national sentiment was discernible in some peoples, e.g., the Jews. The Jews believed they were a pre-eminent people and they looked down upon the idolaters. As the Roman Empire flourished, ideas of national differentiation, if any, vanished; the aims of the Empire were cosmopolitan, not national. The growth of Christianity had a similar effect; the ideal of universal brotherhood preached by Christianity was opposed to the formation of national separatism. The ideal of a universal state was kept alive by the Empire and the Papacy during the Middle Ages. Subservience to a common political authority and allegiance to a common religious faith remained the ideal. But almost never did the ideal completely materialize. Emperors, Kings and Popes were often engaged in combats negating the ideal of the universal state. But they did not fight one another out of regard for any national cause.

Western Europe was the progenitor of modern nationalism. Absolute monarchies appeared in Europe from the 16th to the 18th centuries and laid the foundations of nation-states. The monarchs gained ascendancy by overpowering the feudal

lords and gradually accumulated absolute authority. As the monarchs consolidated their authority over different realms the people ruled by them came to have an awareness of differences between peoples governed by different monarchs. Loyalty to different rulers tended to foster national separatism. This was intensified by the growth of vernacular literature displacing Latin as the universal language. The Renaissance fostered an individualist attitude that struck at the roots of spiritual unity which the mediaeval church sought to establish; it emphasized the differences between entities marching to nationhood. The Reformation gave a great impetus to growing nation-states by its doctrine of national churches and national rulers. The rise of the commercial middle classes encouraged national mercantilism. All these factors combined to emphasize national peculiarities and exclusiveness. England, France, Holland, Spain and Switzerland were the fully developed nation-states first emerging in Europe. But the impact of nationalism was not keenly felt till the late 18th century. In the days of feudalism people had to fight on account of dynastic rivalries. Later on they were impelled to fight by religious convictions or fanaticism. But not before the partition of Poland in 1772 did the people fight as nations. The partition of Poland highlighted the issue of self-determination for less powerful peoples whom the aggressive foreign rulers intended to use as pawns.

The French Revolution was an important landmark in the evolution of nationalism. The term 'nation' came to have a new significance during the Revolution. The nation meant the people who faced an irresponsible monarch and asserted the rights of the nation in rebelling against that monarch. The state was no longer a property of the king; the king's benevolence or paternalism was not taken for granted by the people. The people refused to be treated as neither possessing nor deserving power. They asserted their collective will so that the state could be organized according to popular will. The nation revolted against the arbitrary monarch and endowed the country with a new personality. In another way the French Revolution nurtured the flowering of national sentiment in Europe. It paved the way for Napoleonic imperialism. Napoleon subjugated territories in Europe while professing to

plant the ideals of liberty, equality and fraternity outside France; resistance to Napoleon's ventures aroused national feeling in many parts of Europe.

In Germany a new meaning of the term 'nation' was popular as Fichte theorized that the nation was a spirit which would materialize itself. The nation was the soul of the people. Fichte said in 'The Addresses to the German Nation' (1807) that the people should be consumed by the fire of patriotism and the individual should joyfully sacrifice himself for the nation. The individuals were exhorted to submerge themselves in the nation. Fichte was the prophet of extreme nationalism. He taught Germans plainly and unashamedly that 'to have character and to be a German undoubtedly mean the same'.

In the 19th century the tone of nationalism was not aggressive, especially before the seventies. Its dominant theme was the demand for political independence and unity of every nation. Mazzini, the Italian patriot, emphasized the spirit of liberal nationalism in his writings. He preached that the love of humanity was but a necessary outcome of the love for one's country; service to the home country in accordance with true principles would mean service to humanity; that while a man worked in his own country, the results of his activities must benefit mankind. The romantic movement in the 19th century considerably heightened the national consciousness. Every country enjoyed a national pride in handling the products of the romantic movement—sagas, legends, literature. The romantic writers brought to the forefront the virtues of their nations. The romantic poets inspired the people to rise up against oppression and privilege. Throughout Europe in the 19th century nationalities attempted to liberate themselves from alien overlords. Insurrections broke out in Poland and Italy; the Belgians rebelled against union with the Dutch and became independent in 1831. The Greeks rose up against Turkey; other states intervened and in 1827 the Greeks earned independence. Nationalist revolutions exploded in several countries in 1848. The revolts did not immediately satisfy nationalist ambitions, but they surely strengthened the spirit of nationalism. The unification of Italy and Germany marked the triumph of that spirit.

The Balkan nationalities revolted against Turkey. The treaty of Berlin (1878) recognized the Independence of Montenegro, Rumania and Serbia.

The 20th century has witnessed a large and rapid increase in the number of nation-states. The first World War led to the emergence of new states in Europe; some nationalities realized their aspirations although there was much disaffection caused by the fact that all the members of one nationality could not be unified under a single state due to political, geographical or economic reasons. After the second World War the pace of creation of nation-states quickened as the former colonies in Asia and Africa began to gain independence. The multiplication of nation-states is a welcome sign as it indicates the liquidation of colonialism. But by increasing the possibilities of friction it may be a source of danger.

NATIONALISM IN ASIA AND AFRICA

The nationalist upsurge in Asia and Africa is a major phenomenon in the 20th century. The people of Asia and Africa have revolted against Western dominance and asserted their right to political self-determination. Their revolts have close affinity with nationalist uprisings in 19th-century Europe directed against the Turkish Empire or the Austro-Hungarian Empire.

The consolidation and progress of Western imperialism served to stimulate national consciousness among the people of Asia and Africa in many ways. The Western rule brought Western technology which was applied to effect vast improvements in transport and communications. The people came nearer to one another as distances were annihilated. The isolation of the people living in different parts of the same country tended to break down. As contacts between the people multiplied a sense of national unity began to dawn in their minds. This was intensified by the introduction of Western education. Western education led to a study of Western writings that instilled nationalist ideas in the minds of the people. Western literature was also the vehicle of the principles of liberty and self-government. The people in colonies felt that they would be justified in demanding the self-rule glorified in Western writings. Many Europeans having a

humanitarian outlook, who came to the colonies as teachers or missionaries, preached the same ideas.

Western technology, in order mainly to serve Western economic interests, was applied to develop the colonies economically. It had mixed results. While there were significant improvements in public health measures, transport and education, many traditional economic activities in colonies were destroyed so that European industries could make large-scale profits. The disparity between the standards of living of the natives and the Western rulers became too prominent. The colonial people began to think that self-government would grant them the same high standard of living which was then exclusively enjoyed by Europeans. The resentment against European rule—and it strengthened national consciousness incalculably—deepened as Europeans were often cruel to natives in their personal behaviour. The law courts established by Europeans were, of course, again to the colonies—but frequently they could not provide any remedy against the inhuman injustices committed on the people by Europeans.

The example of Japan defeating Russia in 1905 stirred the nationalist impulses of the colonial people. It appeared that European powers were not invincible, that a country had only to master Western technique in order to secure liberation from foreign rule and oppression. Japan demonstrated that the non-European peoples were capable of learning the Western technique and applying it successfully in internal reconstruction and wars against Europeans. The myth of European superiority vanished. Western prestige suffered an irreparable injury. The Chinese Revolution of 1911 refreshed nationalist fervour by emphasizing the need for internal reforms furthering national welfare; it was a signal for being alert to the urgent necessity of national unity and national reorganization.

The first World War strengthened the case for national self-determination. As the Allies formulated their war aims they gave a priority to the right of oppressed nationalities for self-determination. In fact, the end of the war saw the emergence of new states in Europe consecrating the principles of national self-government. The colonies and dependencies were disillusioned as the Allies did not transfer power in Asia and Africa in deference to this much-vaunted principle. The European

powers proceeded to grant some constitutional reforms to the colonies as popular agitations became stronger. But reforms were too slow, half-hearted and often insignificant. They could not solve the fundamental problem of self-government; they were not even good sedatives; they merely whetted the appetite for further reforms. Sometimes constitutional changes introduced reluctantly by the colonial power served to demonstrate the capacity of dependent peoples for self-government. Much to the chagrin of rulers, the notion that these peoples were unfit for independence was dispelled. And the people felt all the more justified in clamouring for a quick cessation of alien domination.

The self-confidence of subjugated nationalities was increased during the first World War when many of them were asked to aid the war-effort of the Allies. They provided substantial assistance to the European powers and expected rewards in the shape of decisive steps towards self-government. During the second World War also they were called upon to help the Allies. Many colonies were the theatres of war and suffered terribly in a conflict which they did not engineer. During the second World War the prestige of European powers reached its nadir on account of the dramatic success of Japan in ousting them from South-East Asia. Japan's victory was shortlived. But it uprooted the fear-complex of dependent peoples *vis-a-vis* Europeans. The collapse of European powers before the advancing armies of Japan and Germany delighted these peoples in Asia and Africa vicariously; they were glad to see their masters tasting foreign domination. The liquidation of the authority of colonial powers (e.g., France, which had colonies in both Africa and Asia) gave a chance to the nationalists who worked tirelessly to further the nationalist cause.

In this connection it is worthwhile to examine the impact of the Japanese rule on nationalism in South-East Asia during the second World War. Japan's success, however temporary, undermined Western prestige especially as Japan scored landslide victories. During the period of Japanese overlordship Asians received a valuable training in self-government. As European officers fled, or were killed or imprisoned, Asians were promoted to higher jobs. Japan introduced a measure of self-government in order to promote the loyalty of Asians

to a projected Japanese-led Asian co-prosperity sphere. Sometimes they were compelled to hand over administrative tasks to local officers which they themselves could not perform owing to the language barrier. The Japanese also gave military training to Asians with the aim of employing them against Western powers. Japan was ultimately defeated, but Asians utilized the military training against Europeans who sought to reimpose colonial rule. The Japanese, in a fit of disillusionment after the surrender, left arms and ammunitions in the hands of the people. Sometimes they did so deliberately so that their enemies, i.e., the Western powers, would have a tough time in subjugating armed Asians. Sometimes the more militant groups among nationalists organized raids on Japanese depots and captured arms. Besides, the steady stream of Japanese-sponsored anti-Western propaganda stimulated further the hatred of Asians towards their European masters. Japan was thus a great catalyst in the invigoration of nationalist movements in South-East Asia.

The period since the end of the second World War has witnessed a procession of states in Asia and Africa gaining freedom, while the intensity of struggle and suffering, the duration and hardness of bargaining prior to ultimate liberation, varied from case to case. After independence statesmen of these countries find it a trying job to provide a characteristic content to their particular nationalisms. They find it difficult to fabricate or patch up a body of distinctively national ideals, attitudes and myths. They have to establish political, social and economic institutions suiting the requirements of the age—the indigenous institutions existing before the advent of the colonial era are often hopelessly outdated. The national language, too, is a source of embarrassment to many of these statesmen—in some cases there is no well-formed language; in some others there are more than one competing for the coveted status of the national language and creating much tension. Statesmen in the newly independent countries of Asia and Africa have quickly discovered that it is not easy to eradicate all the evils which in the past were calmly blamed on the colonial powers. Sometimes, as excuses for lack of achievement in the post-liberation age, the statesmen in their speeches and writings fall back conveniently upon anti-Western jargons

which are not so relevant today. Thus, even after the achievement of freedom, nationalism in Asia and Africa often wears an anti-Western outlook.

THE RIGHT OF NATIONAL SELF-DETERMINATION

The demand for self-determination by nationalities poses important problems in international relations. In ancient times and in the Middle Ages people belonging to different language and culture groups (i.e., to different nationalities, one can say) lived under the control of the same government in an empire or a feudal state. In the modern age different nationality-groups have each frequently asserted their desire to attain statehood on their own account and refused to believe that it is possible to live peacefully under a government dominated by members of a different nationality. The first World War markedly encouraged this tendency on the part of nationalities to have their own government, although it had also been apparent in the 19th century when many Balkan states attained their independence. The war aims formulated by the Allies upheld the right of national self-determination; it was stated that small nations had as much right to determine their government as large nations. It must not be supposed that the Allies were champions of the rights of oppressed nationalities simply for the benefit of those nationalities. They wanted to capture the support of the people in their own countries to the war which had such a noble aim. They also embarrassed the enemy states which included within their boundaries many discontented nationalities which were incited to rebel.

Wilson's 'Fourteen Points' contained an affirmation of the right of self-determination for the nationalities of Central and Eastern Europe. The Paris Peace Conference of 1919 tried to enforce the right of self-determination. New states came into existence. Boundaries were fixed with meticulous care. But it was found impossible to implement the principle of self-determination and carve out states in such a way as to keep all the nationalities satisfied. Nationalities were often intermixed, and it was impossible to place all the members of a nationality within the geographical limits of one state; that required the large-scale transfer of populations and involved numerous

intractable problems. Again, in drawing the boundaries of a state, economic and military factors had to be taken into account; nationalities would themselves grumble if they were not given economically and militarily viable states; but this might compel them to co-exist with other nationalities in the same state. The victors, moreover, could not be blamed if they tried to safeguard their own interests and weaken Germany by transferring many Germans to alien domination in Alsace, the Polish Corridor and the Tyrol. They also arranged plebiscites ostensibly in order to realize the principle of self-determination; in many cases it was suspected, however, that these plebiscites would result in a further diminution of the territories of ex-enemy states. Plebiscites are not always, in fact, proper instruments for translating the right of self-determination into practice. Voters may be swayed by temporary fears and superstitions, especially after a war, and fail to express their genuine preferences. They may also be the victims of terrorism and bribery vitiating the results of a plebiscite.

The problem of national self-determination leads to other related complicated issues. A nationality which has earned statehood may be discontented over the fate of some members of the same nationality living under foreign rule. The Italians achieved final unification in 1870; but they were perturbed about Italians under Austrian overlordship in the Tyrol and Trentino. They wanted to liberate these Italians and bring them under Italian control. For the next fifty years and more Italian diplomacy was often guided by this supreme objective of 'liberation'. Italy's entry into the first World War on the side of the Allies was dictated by the promise of the Allies to restore to Italy, in case of a victory, the areas under Austrian rule coveted by her. France, similarly, wanted to annex Alsace-Lorraine which was torn off by Bismarck in 1871. After 1919, again, Germany wanted to recover Alsace-Lorraine from France; she also wanted to annex other territories inhabited by Germans, e.g., Upper Silesia, Danzig, the Tyrol, the western portions of Czechoslovakia, etc. Nationalist aspirations assume more dangerous dimensions as they grow into pan-nationalistic movements. There was, for instance, a Pan-German movement visualizing the integration of all Germans living in foreign states into an enlarged Germany.

The existence of national minorities within a nation-state is another problem associated with attempts to fulfil nationalist aspirations. The Roman Empire demonstrated how men having different languages, religions and belonging to different races, could live together peacefully under the same political authority. The era of nationalism, however, found over-zealous patriots trying to assimilate national minorities forcibly, if necessary. In the 19th century Austria-Hungary, Germany, Russia and Turkey tried to coerce national minorities and extinguish their national identity. These states thought that the loyalty of national minorities was not dependable and that minorities might conspire with foreign states to undermine their authority. As national minorities were alarmed to note that they were being compelled to renounce their identity, they resisted with all the determination and organization they could muster. This could produce a spiral of resistance, coercion, resistance and so on, leading sometimes to international tensions and conflicts.

After the first World War attempts were made to safeguard the rights of such minorities by treaties. The Paris Peace Conference of 1919 adopted the technique of international control: new states would be bound by treaties guaranteeing protection to minorities; the League of Nations would see to the observance of treaty obligations. The treaties sought to guarantee individual rights including equality before the law, equal enjoyment of civil and political rights, equitable opportunities in education and employment. But experience showed that a treaty was useless if the minority, which was deprived of protection, had no state in the council of the League of Nations to plead for it. In fact, treaties could not ensure protection to minorities, and there were states bound by no treaty at all. They were free to repudiate the rights of minorities. In 1925 Lithuania proposed that the obligations to minorities should be universalized; the proposal was not accepted by the League. The fate of Jews living in Germany was most terrible. No treaty bound Germany to respect the legitimate rights of Jews (and it is almost certain that Hitler would not have been deterred by any such treaty).

It is apparent, therefore, that the efforts to satisfy nationalist aspirations in the shape of the demands for self-determination,

for annexing areas inhabited by members of the same nationality, for assimilating national minorities within the nation-state in order to ensure national solidarity—all are fruitful sources of intranational and international tensions, of rebellions and wars. Power-loving politicians, in particular, may employ national slogans to further their territorial ambitions.

One Nation, One State. Enough has been said above to expose the impracticability and dangers of any scheme to create states which contain the members of one nationality exclusively. We may now refer to the opinions of Mill and Acton on mono-national states. Mill thinks that a country including different nationalities faces a demise of democratic government; such a country will be unable to sustain a united public opinion, on account of irreconcilable differences between nationalities, and free institutions will not survive. Mill's thesis is, however, demolished by the example of Switzerland. There are three dominant nationalities (French, German, Italian) in Switzerland; they have lived peacefully, enjoying a representative government and exhibiting no dearth of fellow-feeling.

Acton, as against Mill, held a contrary view. In his opinion the union of several nationalities in one state is a bulwark of self-government. The existence of more than one nationality is an insurance against the attempts of a state to encroach upon freedom. When there are different nationalities within the same state, there are several focii of popular sentiments and loyalties. People are more easily led to think that all their loyalty is not due to the state; they are constantly alerted by the diversity of national customs and become convinced that the state has no right to regulate all their activities. They will be less prone to surrender their private rights to the state. In a mono-national state the people may be more submissive as the restraints upon the state are less in number; restraints upon the state in a multi-national state flow from the need to balance the interests of several national groups and to tolerate a larger number of associations. A multi-national state tests the capacity of the rulers to permit social freedoms which do not endanger the security of the state. It is also a security of popular freedom as the people, aware of different centres of opinions and loyalties, are not entranced by the picture of a single supreme

authority promoting servility. Acton further says that civilized life requires a combination of different nationalities in one state. Society cannot advance if nationalities, as much as individuals, abandon all intercourse with fellow-nationalities. If a nationality is losing intellectual vitality or organizational capacity, it may restore its abilities by remaining in contact with a superior nationality. The fusion of nationalities in a state results in a fertilizing transmission of capabilities by one nationality to another. The entire country benefits from the process of regeneration.

Acton's views, however, are not tenable in all circumstances. A dissatisfied nationality within a multi-national state cannot enrich civilization. Its own cultural traditions will be threatened by the absorbing zeal of the dominant nationality in that state; it will itself menace the authority of the state by starting conspiracies and revolts. When Turkey tried to suppress the Balkan nationalities in the 19th century, she was not promoting the cause of humanity; when the Balkan nationalities freed themselves from the Turkish yoke and erected separate states they got a chance for civilized living. It was also a safeguard of international amity. Acton himself realized the limitations of his views. He wrote: 'A state which is incompetent to satisfy different races condemns itself; a state which labours to neutralize, to absorb, or to expel them, destroys its vitality; a state which does not include them is destitute of the chief basis of self-government.'

NATIONALISM, WAR AND INTERNATIONALISM

History has repeatedly revealed that a nationality may not be satisfied with gaining a state; the energy and self-confidence it has exercised and acquired in the process of attaining statehood spurs it to conquests abroad. It resented the oppression of a foreign nationality in the past; after it liberates itself from that oppression it quickly forgets its injuries and becomes an oppressor. Nationalism becomes the progenitor of conflicts and conquests. In the 15th century France pounced upon Italy while the memory of the struggle with England for independence was still very fresh. Napoleon subjugated and tyrannized over the Germans; the Germans staged an uprising in 1813 which could be taken to be the real beginning of Ger-

man nationalism. Napoleon was defeated. But German enterprise and pride could not be satisfied without launching a career of foreign conquests which produced and aggravated many conflicts in the 19th and 20th centuries. It has sometimes been observed that French nationalism was a major cause of the second World War.

Nationalism becomes the enemy of internationalism and the breeding ground of interminable wars when it stands for a policy to expand the power and prosperity of the nation by any means. 'The Prince' of Machiavelli preached unabashedly that the ruler was entitled to employ all sorts of force, intrigues, lies and treachery in order to extend his power. A modern statesman may embark upon aggressive wars and plead that his policy is guided by considerations of national security and honour. During the period between the two world wars the Nazi and Fascist dictators erected a gigantic military machinery in their countries obviously at the expense of the peoples' standard of living. In order to procure popular faith in their policies they cleverly tried to arouse popular fanaticism. They impressed the unsuspecting masses with the image of nations, powerful and glorious, trampling upon other nations. The 'nation' was a shibboleth with which they sought to sanctify their crimes.

Today, however, the statesmen cannot afford to be as licentious as they were previously in waging wars in the name of nationalism. The cost of war is rising everyday and constitutes a curb on the most aggressive of statesmen. The destructive power of weapons has also increased tremendously. Megaton bombs can wipe out a country in no time. Missiles may spread devastation even before the victims are aware of it. It is, therefore, less likely today that the myth of the nation 'will' be utilized to provoke large-scale hostilities which may culminate in a nuclear war and the collapse of civilization. A statesman, however anxious he may be to expand the power of the nation, is doubtful whether he will reach victory or co-destruction by means of a war. The nuclear age demands a new diplomacy. Its one aim should be to avoid a war. This may have, of course, an unfortunate consequence. Legitimate nationalist aspirations may be left unsatisfied due to the fear of a nuclear war.

If nationalism today, on account of phenomenal advances

in technology, does not find it safe to inspire conflicts, the prospects of internationalism would appear to be brighter. Internationalism is aided nowadays by the irrevocable economic interdependence of nations; technological advances have increased the benefits of this interdependence, and on the economic plane internationalism has taken a big leap forward. In the case of Western European states which are trying to achieve a remarkable degree of economic integration the cause of internationalism has been impressively advanced. It may also be suggested that the culture of almost any nation is influenced by an awareness of moral obligations to a community wider than the national community. Another creative power pushing mankind towards internationalism is the fear of mutual destruction in a nuclear war (which we have already discussed). All these forces for internationalism are strengthened by the unequivocal desire of the common man everywhere in the world; he hates war even if he is not aware of the manifold implications of internationalism. He does not know how to construct the complex machinery for the consummation of internationalism; but he is anxious to have it. To translate the desire of the common man into a working international system is an extremely difficult job; but it is also an urgent job demanding constant attention and energetic exploration.

World Government. Does the need for and progress towards internationalism bring *world government* within the realm of possibility? It is impossible to answer this question either in the affirmative or in the negative. But the search for an answer will indicate the problems involved and the extent of man's capacity to solve them in the immediate or distant future.

It is pertinent to assume that the international community will be able to achieve stable and lasting peace if there is a world government having a monopoly of force, just as within the national community there is a national government enjoying a monopoly of force, and checking effectively any threat to general peace. But it means a stupendous transfer of function from national governments to a world government. The police force or the army employed by the world government must derive its authority from the entire world community. This will be a very big step to take. Those who are over-enthusiastic about internationalism may think

glibly that to achieve world government is not difficult. They will ignore all its implications. They will even welcome an authoritarian world government. But such a government may only enforce a soulless peace throughout the world. All aspects of the social, economic and political life will be minutely controlled so that rebellions may not germinate. This may be a workable system, but not one in which the people are happy. To constitute the contemplated world government on a democratic basis will be in the present circumstances an impossible task.

If the people are to live happily under a world government, the steps towards that cannot be drastic. Popular sentiments and emotions must undergo revolutionary changes: the process will have to be slow. It will take a long time before the world community, like the national community of today, can evoke the deepest loyalty of the people and become the focus of their passions, hopes and fears. A long period of peace, during which the people are impressed by tangible advantages in the economic, educational and other fields springing from international arrangements, is a basic need. Then, by means of proper education an international consciousness may be roused in the people. They will be cured of misgivings about subordination to a world government and become accustomed to the idea of looking upon themselves as world citizens.

Those who formulate schemes of world government often use nationalism as the whipping boy. But, while we underline the merits of internationalism, we must not regard nationalism as an unmixed evil. There is no doubt that in many ways nationalism has elevated human character. It has inspired people to work for progress in the realms of arts and sciences, music and literature. In enriching the national heritage it has served humanity. National sentiment has spurred individuals to secure advantages for the nation at the expense of personal interests. It grants men a consciousness of participating in a joint effort; it increases their self-confidence and urges them to utilize their talents. The rise of national consciousness in Italy, Greece or Czechoslovakia in the 19th and 20th centuries was marked by cultural regeneration. Civilization will suffer if, in the quest for an international order, the distinctiveness of national cultures is

wiped out. Civilization has often progressed owing to the interplay of different cultures. If the characters of individuals—in order to strengthen allégiance to a world government—are moulded uniformly, it will eliminate the sense of distinction in individuals and deaden their faculties. Prophets of internationalism must not think of a complete integration of all cultures and the disappearance of nationalism. They should remember that even within the national community differences between groups with varying cultures have not been dissolved, nor is such dissolution desirable. Differences between the Scottish and the Welsh in England are not negligible. They have their own psychological bonds. If these bonds are cut down in a craze for uniformity, they will be psychologically rootless and socially irresponsible. A world government, concerned with an embarrassing variety of cultures, cannot afford to ignore these considerations. Habits and consciousness pertaining to man's membership of the smaller community cannot be disregarded if his loyalty to a larger community is to be built up. The social spirit is daily cultivated within the smaller community; only then can it pervade the wider community. Man is the fundamental and the irreducible unit of society; any system that does not satisfy his basic urges cannot be preferred to the present one.

It is not practicable to initiate internationalism by asphyxiating nationalism. Any step towards a world order must at present be taken with caution; it must not run counter to the national well-being of a people; it must not threaten the security of a nation. Otherwise, the limited co-operation and understanding achieved by rival states may be vitiated and the goal of a stable world order will recede further. Any abrupt attempt to persuade nations to change their way of life and submit to a supra-national government will evoke suspicions and retard the progress of international solidarity. Internationalism must embrace nationalism as an essential ingredient; it must develop the virtues of nationalism, checking its excesses; or it will degenerate into chaotic cosmopolitanism. Internationalism cannot be expected to grow in the graveyard of nationalism.

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Chapter XXII

RELATIONS OF NATIONS

THE frontiers of 'international relations' appear to be endless. Relations of nations, in the widest sense, include the constant interplay of the actions of statesmen and ordinary individuals, of commercial and cultural organizations in various countries. Usually, when we talk about 'relations of nations', we refer to relations between states. This is not without some justification: the activities of individuals and associations, political, economic or cultural, are regulated, in the ultimate analysis, by their governments. The governments also have to take the most crucial decisions about war and peace.

States continually try to extend their power and prestige. Relations among them are always dynamic, calling for frequent reformulations of national policies. The policy of a state may change when there is a change of government within that state. Scientific and technological progress may vitally alter the policy of a state. New ideologies may permeate state policies producing realignments among nations. A bewildering variety of factors shapes the relations of nations and changes them with kaleidoscopic rapidity. We may select some of the fundamental forces and factors affecting international relations in order to have a glimpse of their essence.

I. POWER POLITICS

It is extremely difficult to define 'power' which is a general term. It means a capacity to gratify a desire or to secure an objective, by coercion if necessary. Some may complain that the phrase 'power politics' contains a superfluity, for power and politics are inseparable. But the term derives its significance from the fact that in stable national communities the role of power, implying a capacity and readiness to coerce, is much less obvious and much less frequent than in the international community. In national affairs, especially in a democratic community, personal contacts and persuasion, electioneering and peaceful conversion to one's own views play

a much more prominent and effective role than in international affairs. While it is impossible to provide an exact definition of 'power politics', we can refer to some implications of the terms as applied to the relations of nations. It signifies the attempt of a state to realize an objective overruling the objection or active opposition by other states. Of course, the state cannot hope to gain the objective if it has no capacity to use physical might. It does not have to employ that force always; when it sends a diplomatic note to a foreign state it need not necessarily attach an ultimatum. But in crucial diplomatic bargaining the settlement is usually governed by the relative coercive strength of the negotiating states. If the powers of the states are more or less evenly matched, negotiations are likely to lead to a compromise. If there is a marked disparity of power between the negotiating parties, the settlement will almost surely be favourable to the party that is mightier. The U.S.S.R. is one of the two super-powers in the modern world; Hungary is a weak state. Relations between Hungary and the U.S.S.R. must, in the last instance, be governed by the overwhelming military superiority of the U.S.S.R. (and this was clearly demonstrated in 1956 when Soviet militarists suppressed the Hungarian revolt). This does not mean that the U.S.S.R. is constantly using force against Hungary, but the possibility that superior force may be used will always affect the policy of the weak state towards the stronger state.

Nationalism (we have already discussed it) is a manifestation of power politics; nation-states seek to expand their power and influence, while employing the slogan of nationalism. Imperialism is another manifestation of power politics (which we will discuss in this chapter). Power in itself may be regarded as non-moral; it is merely a means to realize ends of various kinds which may be classified as moral or immoral. It is not desirable to worship power as an end in itself, as do the militarists; this will foster aggressive combats. Nor is it necessary, as some pacifists insist, to deprecate all forms of the use of power; for power has an immense potentiality for good; it may have to be employed for curbing evils or immorality. A state cannot afford to destroy all its power; it may be overrun by an aggressive neighbour. Internationalists argue that separate states should be barred from exercising power which

should be reposed in a world organization for the purpose of maintaining peace. But conditions for the successful implementation of this ideal have not yet emerged.

Ideas have a tremendous power; physical force is not the only form of power. Power politics among states is often a war of ideas, a battle to capture human minds. States employ propaganda techniques to cement the allegiance of their own citizens to their policies, and to corrode the morale of citizens in enemy states and their loyalty to their states. Before the second World War the hurricane of Nazi propaganda swept Europe. Ideas are directly addressed to individuals; hence propaganda war must be regarded as an important aspect of power politics. Since the end of the second World War the U.S.A. and the U.S.S.R. are engaged in a gigantic propaganda duel; they are ceaselessly harping on the comparative merits and demerits of the democratic and the communist ways of life. The importance of the battle of ideas as a form of power politics has appreciably increased today on account of the growing realization that rivalries and jealousies of states must not overflow into a nuclear war threatening instantaneous annihilation; for mutual safety these should be confined to propaganda barrages.

STRATEGIES OF POWER POLITICS

Next, let us consider the important strategies of power politics.

Isolationism. If a state does not enter into political alignments with other states, if it does not try to offend other states, it is said to be pursuing the strategy of isolationism. In times of war a term of international law, 'neutrality', stands for isolationism and is applied to the state that chooses not to interfere in the war between other states.

Isolationism appears to be an innocent position a state may take. But it does not insure the state against offences caused to it by other states. Isolationism may invite aggression if the state concerned does not have sufficient strength to repel a potential aggressor, or if it cannot hoodwink the aggressor, by means of propaganda, into believing that it can offer sufficient resistance. By armaments or bluffs, or on account of the fortunate preoccupation of aggressive neighbours with other ob-

jects, an isolationist state can remain independent. If it does not forsake isolationism or neutrality, if it fails to take assistance from other states to forestall an attack, it may be devoured by an expansionist state: this was the fate of Norway or Denmark who were weak powers and easily subjugated by Germany during the second World War.

Even great powers have discovered that the efficacy of the strategy of isolationism and its proper field of application is strictly limited. If we study the foreign relations of the U.K. or the U.S.A. since the eighteenth century, we cannot but feel that the part played by isolationism is relatively unimportant. There are legends of British or American isolationism; they do not, however, correspond to facts. Great Britain was described as isolationist so far as European politics was concerned during her war with the American colonies. She was looked upon as isolationist when she did not intervene in the Franco-Prussian war of 1870-71. But these characterizations were misleading. The foreign policy of Great Britain even during these periods did not have a predominantly isolationist complexion; with regard to some states it was isolationist; but she was during the same periods actively pursuing a policy of colonial expansion. Sometimes, again, the isolationist posture was the product of the balance of power strategy (which we will discuss in this chapter). On an overall view the U.K. has not been following an isolationist strategy since the 18th century. The theory of splendid isolation is a myth if a long-term view is taken. She has joined a war whenever a Continental power has tried to establish hegemony over Europe; she has stepped in immediately to restore the balance of European power. She has joined a war in favour of a state with which she is bound by a treaty of alliance when another state has committed aggression on that ally of hers. She has participated in vital European wars. The results of the Napoleonic wars, the first and the second World Wars have to a great extent been shaped by British participation, and not non-involvement.

Isolationism has not also been the dominant strategy in the foreign relations of the U.S.A. (i) The neutrality maintained by the U.S.A. in the Anglo-French wars and (ii) the Monroe Doctrine are cited as instances of U.S. isolationism. As to

(i) it may be stated that this neutrality did not keep the U.S.A. isolationist *vis-a-vis* Spain; Spain was systematically terrorized by the U.S.A. and had to grant vital concessions to the U.S.A. in the New World. As regards (ii) it is sufficient to observe that the Monroe Doctrine spoke against European intervention in the affairs of the American states. Britain, too, would prevent any European power from acquiring power in the New World that might upset the balance of power in Europe. British support to the Monroe Doctrine nullified U.S. isolationism; without British support the Monroe Doctrine would have broken down. That the U.S.A. was not an isolationist state could be irrefutably proved by the policy of steadily expanding her power and influence inside and outside the American hemisphere during the 19th century and the early part of the 20th. She has decisively moulded the outcome of the first and the second World Wars. After the second World War, she has assumed world-wide commitments in response to far-reaching changes in the international situation.

Isolationism has never been a dependable strategy, nor has it been consistently followed by a state minding its business. It is nearing obsolescence in an age unifying states on diverse matters and demanding a greater integration of their policies.

Alliances. When a state enters into an alliance it either decides to start a war or to protect itself against a future war. It wants to be stronger than probable rivals or to compensate for its weakness. Alliances are encouraged by situations thought to be developing towards an armed conflict. A state can, of course, try to rely on itself and build up armaments. If its armament strength is equal to that of its prospective enemies it may be considered sufficient for defensive purposes. Detailed information about the armaments of foreign states is not available or reliable. While trying to be safe a state may acquire superiority in armaments although its aim was equality with rivals. Its rivals also will try to achieve equality and the armaments race continues. But a state may not have resources to build up sufficient armaments; or it may feel confident by adding its strength to that of another. Hence the state seeks an ally which is also opposed to its enemy; common enmity towards another state can easily forge an alliance.

Obviously, alliances aggravate frictions. If, formerly, two states were potential fighters, the number increases after the formation of alliances. Alliances extend the area of combat. Alliances usually provoke counter-alliances; the international situation gets more complicated, and sometimes more unstable. Chances of war increase because alliances remove the fear of some states and thereby tend to make them more aggressive. A statesman who, in the absence of a strong ally, would strive painstakingly for a compromise, becomes much more inflexible in his attitudes; with an ally, war looks less dangerous.

Alliances create strange partnerships. The appetite of states for alliances is revealed by the fact that basic ideological differences are forgotten for the sake of an alliance. Before the first World War France and Russia were allies; France was a democracy, while Russia was an autocracy. Nazi Germany was an inveterate adversary of Communist Russia; yet they were drawn together in an alliance in 1939; each hoped to divert the other's aggressiveness towards other states or at least to purchase neutrality in case of a war with a third state. When Hitler attacked the Soviet Union, the Western powers, in spite of their deep ideological difference with the Soviet Union, decided to have her as an ally so that Hitler's plan of enslaving the world could be shattered. In order to earn safety through an alliance, almost ineradicable ideological divisions were frankly ignored.

Balance of Power. Within a system of power politics states are expected to strive continually to maintain their power, or to accumulate more power. Sometimes they may be ambitious enough to change radically the prevalent distribution of power. The relations of states, therefore, are predestined to comprise unending tensions often exploding into armed conflicts. But the strategy of balance of power operates as a limitation upon power politics, mitigating the possibilities of actual combat. History has repeatedly demonstrated that the preponderant strength of a state is almost invariably a threat to the security and territorial integrity of neighbouring, especially weak, states. If it has sufficient military and economic strength and the will to expand, the weaker neighbours may be subjugated. The strategy of balance of power is to oppose this state by creating a combination of countries that

can counterbalance the strength of this state; as a result of this strategy the state previously possessing unmatched strength has to face a formidable opponent, whether the opponent be one state or a group of states. The principle of balance of power is a recognition of the fact that the threat to one's neighbour may ultimately be a threat to oneself; one should therefore combine with the neighbour to offset the strength of that state which is the source of danger. In order to apply the strategy of balance of power a state may align itself now with one grouping of forces and now with another, a state has to throw her weight now on one side and now on another, so that there is an equilibrium between states. This would prevent a powerful and aggressive state from overrunning weaker neighbours. Anglo-German relations clearly reflect the strategy of balance of power in operation. Before the first World War Britain sided against Germany who was aggressive and bent on world domination. This policy continued throughout the first World War. After the war Britain supported Germany's rehabilitation as a counterweight to French policy of keeping Germany weak. But the rise of Hitler to power saw Britain aligning herself against Germany. After the second World War British policy has once again changed in accordance with the balance of power strategy; Britain now pursues an active policy of preserving German independence as against the hegemonial designs of the U.S.S.R.

Many other examples may be taken to portray more vividly the operation of the balance of power strategy which, as the writings of Polybius indicate, was known to and practised by ancient states. In the 15th century it was regularly employed by the states in Italy whose addiction to corruption, treachery and violence inspired Machiavelli to think of a Prince who would not disdain foul play but would be powerful enough to unify Italy. The state system in Italy foreshadowed the application of the balance of power strategy on a European scale. It may be admitted that in modern Europe the application of this principle dated from 1648; in that year the Thirty Years' War was terminated by the Treaty of Westphalia which sought to establish some sort of a balance of power. As France tried to dominate Europe there were repeated regroupings of forces in Europe. Austria opposed

French designs by her army; Britain tried to counter French manoeuvres by her navy. Austria and Britain became allies in 1740, opposing France and Prussia. But in 1756 there took place a diplomatic revolution whereby Britain aligned herself with Prussia against Austria and France; Britain was anxious to preserve Prussian authority in order that the European balance might not be upset; Prussia became the Continental arm of Britain. The efficacy of the balance of power strategy was distinctly brought out when Napoleon almost succeeded in establishing a hegemony over Europe. Austria, Britain, Russia and Prussia formed the Grand Coalition by the Treaty of Chaumont in May, 1814. The separate and secret articles of this treaty unambiguously stated the objective to be the establishment of a real balance of power in Europe. Napoleon was crushed by the combined might of these four states; the balance, temporarily subverted by the luminous ascent of Napoleon, was restored.

The Concert of Europe functioned during the period 1815–1914 as the balance of power system for Europe. Its successes and failures are an index of the merits and deficiencies of the balance of power strategy. The Concert of Europe was instrumental in neutralizing Belgium, Luxembourg and Switzerland. It presided over the liberation of Balkan states from Turkish domination. It took many steps conducive to the growth of international law, e.g., control of international rivers, international communications, privateering, etc. The Concert of Europe also exercised some supervision over the colonial enterprises of European states, e.g., the Congo Conferences of 1884 and 1890. But the Concert of Europe failed to or did not prevent many bilateral wars during 1815–1914; in the case of the Crimean War the Concert nearly broke down. The real weakness of a balance of power strategy was revealed in the operation of the Concert of Europe: states suspected one another and each tried to bring the balance to its own advantage. Suspicions were heightened by conflicting interests; the Concert broke down as the first World War started.

It is true that the strategy of balance of power has ruled out universal domination by one state; but sometimes, in spite of this strategy, a state or group of states has been able to establish temporary domination over a large area, overwhelm-

ing many weaker states, e.g., France under Napoleon, Germany under Hitler. This strategy has sacrificed sometimes the interests of weaker states for the sake of maintaining a balance among great powers, e.g., the partition of Poland in the 18th, 19th and 20th centuries. The underdeveloped countries, especially in the 19th century, were repeatedly used as pawns in the imperialist game of European powers who sought to maintain a balance among themselves.

While we try to assess the efficacy of the balance of power strategy in preserving peace or preventing war we must take into account a multitude of factors affecting its operation. The machinery of the balance of power strategy is a complicated one; many of its independent parts have to move together, and move at the right time. Indecision on the part of one state may vitiate the entire strategy. Suppose, a small state is about to lose independence to an expansionist neighbour; if other neighbours do not take a timely decision to obstruct the expansionist state, the small state cannot but be swallowed up. This happened to Tibet in 1950. The independence of Tibet was a vital element in India's defence along the vast northern frontier. China sent her invading army into Tibet; India did not oppose her; she did not bring into play the principle of balance of power; Tibet was ruthlessly subjugated and colonized by China. Under such circumstances what is exposed is not the failure of the strategy itself but the inability of a state or states to adopt it. Again, in spite of a correct implementation of the strategy war may not be avoided. An aggressive state may be too daring and prepared to take all possible risks; it may ignore the warning held out by a combination of opponents applying the strategy and start hostilities.

A successful application of the balance of power strategy postulates an accurate computation of the strength of rivals. But it is difficult to penetrate the network of official censorship and propaganda and frame reliable estimates even about tangible things such as armaments. It is far more difficult to gauge the morale of the people or the quality of leadership to be displayed by a statesman in a crisis; crisis often taps hidden sources of energy and talents not revealed in normal times. It is also hard to compare the industrial potentialities of different states. Japan was probably unaware of the industrial capa-

bilities of the U.S.A. when she bombed Pearl Harbour; the latent industrial strength of the U.S.A. was fully harnessed to win the war; Japan could not possibly guess that, as she incurred the enmity of the U.S.A., the balance of power tilted unalterably against her. Besides, scientific inventions in the field of armaments during the war may totally change the power structure that prevailed at the commencement of war. This may reduce to impotence the state which was relied upon to act as the balancer.

The results of the balance of power strategy have become much more uncertain with the extension in the area of its operation. The continents of Asia and Africa now include many newly independent states whose policies and power potentialities have to be taken into account in implementing a balance of power strategy. Their interests and ambitions may not always be appreciated by European states having different social and economic structures. In the 18th or the 19th century areas in Asia and Africa could be exchanged or partitioned by European states in order to effect some adjustments in the balance of power; this parcelling out of territories was done in Europe also; after the rise of nationalism this safety-valve of the balance of power strategy has been rendered inoperative.

Technological progress has nearly throttled the balance of power strategy. One major postulate of this strategy is that the state adhering to it must be prepared to go to war in order to preserve the independence of a weak state. But a state today is deterred by the grim prospects of nuclear warfare and, instead of joining a war, may abandon a weak state to its fate. In 1956 Hungarians rose up against Soviet domination; Soviet tanks were employed to subdue the revolt. A similar situation in the 19th century would have quickly led to intervention by great powers. In 1956 the Western powers could not intervene to uphold the legitimate national aspirations of the Hungarians, for they dreaded a nuclear war with the U.S.S.R. which might exterminate the human race. Moreover, in the age of missiles a small state may be wiped out of existence within a few moments and there may be no opportunity to apply the strategy of balance of power.

Lastly, it is impossible to imagine how this strategy can be

applied by a state against such overly powerful states as the U.S.A. or the U.S.S.R. They have cast their shadows on the political or economic policies of almost all the states. A state may somehow avoid getting into their orbit. But it is unforeseeable as to how a state may arise to play the balancer between these two giants. The enormous accumulations of power represented by such states make the balance of power strategy outdated.

II. DIPLOMACY

Nature. Those who shape the foreign policy of a state may adopt means of violence and means of non-violence. Legally, all uses of violence may not be labelled as wars, but, speaking broadly, they may be regarded as wars. Diplomacy, on the contrary, comprises the means of non-violence. Obviously, diplomatic failures may lead to war; when conflicts of interests between states cannot be resolved by diplomatic means, policy-makers may choose war. But in terminating a war, again, diplomatic means have to be employed. As the victors and the vanquished proceed to draw up a peace treaty they exchange crescent diplomatic pressures; these pressures have political, military and economic implications which no party, and certainly not the vanquished, can overlook. Associated with them are a complex of motives that led the states to war, the revenge-psychology war has bred, the pressing needs of resuscitation of war-ravaged territories. These pressures are formally represented by the peace treaty which is finally ratified. In times of peace diplomats exchange and manipulate information, requests, concessions and demands. Diplomatic notes convey the interests of states seeking their satisfaction by non-violent means.

Objectives. Diplomacy has for its fundamental objective the reconciliation of the conflicting interests of different states; diplomacy postulates the faith that discussions can produce a compromise and resolve the conflict of interests. The negotiator or diplomat representing a foreign state may offer a sound proposal acceptable to the diplomat of one's own country; similarly, the foreign negotiator may accept a scheme suggested by the negotiator representing one's own country. When, however, there is a sharp divergence of interests be-

tween states, this optimistic assumption tends to break down. When diplomats of different countries meet together they surely become known to one another and personal intimacy may solve some problems, but never those touching the vital interests of a country. It is unrealistic to suppose that a get-together may dissolve deep-seated differences or historical antagonisms.

As a matter of fact, diplomats often carry on discussions with other objectives in view. Discussions may be a means of purchasing time, of amassing armaments and shrouding attempts to force a solution. A state may need some time to concentrate troops in a particular area; it may carry on discussions till it is in a position to start hostilities. In recent times the Korean war offered a striking example of how diplomacy was carried on simultaneously with large-scale offensives launched by both the contestants. When the two parties began negotiations they had no intention to reach a compromise by discussion; they were busy gaining military advantages. They were compelled to think of discussing for a compromise only when during the second year of negotiations there occurred a sort of military stalemate.

Diplomacy sometimes has the little-concealed aim of putting the opponent in an embarrassing position. This is most manifest in negotiations on disarmament. Proposals requiring far-reaching changes may be enthusiastically offered by one state which is fully conscious that such a proposal will not be acceptable to other states; in fact, it would not welcome such a proposal coming from another state. In such cases a propaganda advantage lies with the state initiating the proposal; in the eyes of the people who are not aware of the intricacies of disarmament plans (and they form the vast majority) the state rejecting that startling proposal will be the guilty party. The propaganda machinery of the state which mischievously offered the dramatic but unacceptable proposal will be set in action to deceive the people into thinking that the state which rejected the proposal meant war. The aim to embarrass an opponent will be served.

Basic Ingredients. Policy is a basic ingredient of diplomacy. Diplomacy can succeed only when there is a policy well-conceived and well-defined assigning due importance to

the hierarchy of interests intended to be promoted by diplomacy. This policy will enable the negotiators to know the limits of the concessions they can offer to the other side. Without it they may overstep the limits of caution, obstructing compromises and frustrating negotiations. When the policy is improper, negotiators may be misled and fail to take care of vital interests while giving concessions. They may be unduly refractory or dangerously compromising.

. Policy can seldom achieve much without power, another and the most important ingredient of diplomacy. There may be no sabre-rattling inside the conference hall where diplomats assemble. Negotiators do not have to quote the number of battleships their states may employ immediately in a war. But power influences negotiations invisibly, although effectively. The relative fighting ability of states silently determines the readiness of negotiators to compromise. The larger the disparity between the power of two parties, the tougher is expected to be the bargaining made by the stronger party. The stronger party can confidently look to the alternative of using force in the event of a diplomatic imbroglio. A weaker party cannot but depend on diplomatic skill for reaching a fair compromise. In order to match the superiority in power enjoyed by the other state it can try to have a powerful ally. Even the threat of an alliance closing the power gap between the two parties may persuade the stronger state to be more compromising. By means of diplomatic dexterity Thailand could preserve her independence while she was sandwiched between the contesting imperialisms of Great Britain and France. Yet the extent to which diplomatic acumen can compensate the lack of power is extremely limited. If, for example, there is one big power eager to rob a weak neighbour of its independence and there is no other big power to oppose the potential aggressor, the weak state may postpone subjugation but not avert it. This was illustrated by the fate of Czechoslovakia in 1938-39. Her diplomatic ability was of no avail as other big powers supervised her dismemberment by Germany. Diplomacy could not do away with her fatal dependence on the power of other vacillating states like Great Britain and France who did not act. Diplomacy failed to supersede power.

Power and policy, however, require adroit manipulation by persons entrusted with the diplomatic jobs. They must have knowledge and foresight, courage and patience. Otherwise, a state, in spite of a discreetly composed policy and an awe-inspiring agglomeration of power, will not be able to realize its interests. The qualities demanded of diplomats are many-sided. They have not merely to conduct negotiations in public conferences or strike bargains in private discussions preparatory to public conferences. They are the agents of their states and have to help nationals residing in foreign countries. They hold press conferences in foreign countries, deliver speeches and attend public functions as representatives of the governments. They are the living symbols of their states. The diplomat studies and analyses the situation in countries where he is posted; he frames his conclusions and advises his government on alternative policies that may be followed; he reports as well as recommends. Heads of states, foreign secretaries or ministers may themselves conduct diplomacy when the issue is sufficiently important. In some cases military leaders or special representatives may be employed as diplomats, for their expert advice and technical knowledge in specialized fields may be needed in negotiations. The overseas staff of ambassadors and career experts are, of course, the normal and conventional instruments of diplomacy. The head of the state or the minister suffers from certain handicaps which cannot, in the case of professional diplomats, stultify efficiency. The head of the state is a politician par excellence; he is not necessarily, unlike the career expert, experienced in diplomatic jobs or aware of local conditions in far-away lands. The career expert is relatively free from political pressures, fears and insecurity; the head of the state is not. The head of the state or the foreign minister is encumbered by a large number of administrative duties; the career expert stationed abroad is not so much weighed down.

Bilateral and Multilateral Diplomacy. Secret vs. Open Diplomacy. The most conventional type of diplomacy is bilateral diplomacy. Bilateral negotiations may be devoted to a settlement of routine administrative matters touching the two states. Or these may aim at alliances leading to wars. Purposes vary. Bilateral diplomacy is very

effective for the purpose of keeping apart states which might unite against another state; the state which is afraid that a coalition may be formed against itself can resort to bilateral negotiations. This was successfully practised by Nazi Germany and, consequently, the states of East Europe could not form any coalition—although that would have eminently served their interests—against Hitler's Germany. Bilateral diplomacy may be carried on secretly or publicly (i.e., openly). It is easy to conduct bilateral negotiations secretly simply because the number of participants is much smaller than in multilateral negotiations involving, say, twenty states. Or, bilateral negotiations may assume a gorgeously public character with a large number of state officials, interpreters and pressmen.

Although the number is somewhat of a barrier to secrecy, multilateral diplomacy may also be conducted secretly, although it is usually associated with open diplomacy. It is designated as diplomacy by conference as the negotiators representing different countries are brought to a conference table. Multilateral negotiations may comprise a meeting of a few heads of state, a Summit Conference or a vast assemblage of diplomats and consultants belonging to various countries. An increase in the number of states involved in negotiations betokens a variety of conflicting interests. The intensity of the conflicts, as also their number, will condition the success or failure of the conference. Too much divergence of interests may make multilateral negotiations dependent on initial bilateral negotiations to pave the way to a big conference. In 1951 the San Francisco Conference was convened for the signature of the Japanese Peace Treaty; but the conference was preceded by brisk diplomatic activities led by the U.S.A. who conducted negotiations with the allies separately; these initial bilateral negotiations eliminated fundamental differences among the states and persuaded them to sign the Peace Treaty.

Diplomacy by conference has become increasingly popular and secured widespread acceptance as a means of easing international tension and solving general international problems especially in the period after the first World War. (It must not be supposed, however, that this is an invention of the 20th

century; this century has only raised more outcry about it.) But the existence of a large number of participants or the openness of the conference does not automatically guarantee its success. Diplomats may be wise men trying to conduct negotiations efficiently; but too many wise men may not necessarily agree upon a wise decision; the wisdom of so many persons, tinctured by national interests and prejudices, may produce confusions and hinder a solution. Again, publicity surrounds a conference; this is inevitable in open diplomacy; while the diplomat is consulting notes prepared by research officers, he has his eye also on the pressmen scrutinizing his personality. The diplomat has to be ready with poses for the cameraman. He is inspired to indulge in propaganda moves. Propaganda obscures diplomatic thrusts and counter-thrusts; it becomes difficult to give a proper direction to diplomatic efforts. Publicity saps diplomatic initiative in another way. The very openness of diplomacy prevents negotiators from being open-minded. The searchlight of publicity is a hindrance to compromises. Compromises presuppose the ability of diplomats to grant possible concessions to one another. In private discussions diplomats can offer concessions which they are not prepared to offer in public conferences. They are afraid that their political opponents at home will sinisterly interpret an unobjectionable concession as a retreat, misguide public opinion and deliberately ruin their political influence. But if there can be no compromises diplomacy by conference will only be a dazzling failure—newspapermen present at the conference will avidly comment on how it failed.

Secret diplomacy does not stand for pernicious transactions bartering away territories and peoples in accordance with the whims of a few elegantly dressed persons, i.e., diplomats—this was partly true centuries ago when the king's representatives secretly negotiated to exchange lands and peoples with another state. Secret diplomacy implies a method which is indispensable to the success of any diplomacy, bilateral or multilateral. It means confidential discussions without which diplomats can never reach an agreement. Fundamental issues can only be debated in the conference hall; but it is well-nigh impossible there to make viewpoints converge. There must be preparatory discussions producing agreement on fundamental issues;

these may require expert assistance and can only be conducted privately (or secretly). In spite of the noise about open diplomacy it is an incontestable truth that no international conference has in practice succeeded without secret spadework. Although Wilson was a vigorous defender of open diplomacy the Paris Peace Conference would not have produced any agreement if it had always stuck to open diplomacy. There were crucial confidential discussions laying the foundations of agreement among states. The success of secret diplomacy was demonstrated during the second World War when with its help the Allies resolved many conflicts amongst themselves. In recent times the adoption of secret diplomacy quickly led to the termination of the Korean War.

If diplomacy by conference is to succeed diplomats have to get rid of the combative instinct while they are actively engaged in negotiations. They must cure their minds of such notions that during negotiations they have to inflict a defeat on diplomats of the other side. They have to search for agreement, their purpose is not conquest. One conference cannot solve all international problems. To display a spirit of mutual tolerance in one conference is to ensure the success of the next conference. The craze for scoring a victory in a conference generates dissatisfactions which pave the way to disagreements marring the achievements of this conference and hindering a settlement in a future conference which cannot shake off the memory of the past meeting.

When the people judge the results of a conference they should not lament and condemn diplomats because they have not got all that they want. A conference is not a prison-house where some men can force others to accept anything and everything. A diplomat cannot compel another representing a foreign state to accept all his proposals; nor will he accept meekly anything proposed by the other diplomat. Diplomats have to give and take. The people have to remember that they can never derive full satisfaction from any internationally agreed settlement. They should not also have any illusion that the most sensible views will prevail in a conference; they do not always prevail even in a national legislature. The level of highest common agreement is seldom the level of highest rationality. To criticize diplomats on the ground that they

have failed to make others swallow their enlightened views is unwarranted.

Diplomacy by conference cannot succeed when conditions are not propitious. A conference cannot be expected to solve problems which it can never solve. If a conference is asked to dissolve sharp conflicts on vital interests of states, it will fail. It can adjust minor differences and give a definite shape to the agreement. But it will not be able to perform these tasks for which it has the competence simply because it has to wrestle with unmanageable situations. It may be called upon to solve fundamental disagreements among states; it will flounder. Again, a conference may be asked to draw up an agreement within a limited time. But it is difficult to predict how much time a conference will take to solve such complex problems as disarmament. If primary importance is attached to the time limit the conference may not be able to pay adequate attention to intricate details. The conference may have to end abruptly without producing any agreement. Or the agreement, because it has been drawn up hurriedly, may have major defects.

Independence of the Diplomat. On account of the progressive extension of international relations the scope of work of diplomats has immensely widened today. As military alliances multiply or countries seek to achieve closer economic collaboration, the tasks of diplomacy increase. But the independence of the modern diplomat, as contrasted to that of an 18th-century diplomat, has considerably decreased due to vast improvements in means of communication. The head of the state can dictate to the diplomat, who is thousands of miles away, by means of overseas telephone, etc. He does not so much manipulate fundamental policies as convey them. He has become the mouthpiece, and ceased to be the mainspring.

III. IMPERIALISM

History. Imperialism signifies the attempt by a group of people or a state to subjugate other groups of people or states to rule them as long as possible and thereby to serve its own interests or enhance its power. Imperialism may take the form of an attempt to dominate the world—Hitler aimed to make Germany the master of the world. It may take the form

of conquering neighbouring territories—before the second World War Japan tried to establish a hegemony over East Asia. Imperialism may also mean the effort to colonize overseas territories—many European powers have practised it during the last few centuries in Asia and Africa. Imperialism is a basic element of international relations because states have continuously and repeatedly engaged in imperialist activities since ancient times.

In fact, imperialism is almost synchronous with the growth of civilization. Archaeologists have discovered the earliest manifestations of civilized existence in Assyria, Egypt, China, etc., and everywhere they have also recognized evidences of empire-building. Wars and conflicts between neighbouring peoples took place even before the birth of civilization. But anthropologists tell us that the primitive peoples did not establish empires. The civilized peoples only began to build empires. The reason is that imperialism is practised because usually it confers some benefits on the successful imperialist state; civilization implies the availability of certain techniques to control or utilize natural resources; primitive peoples, who did not know these techniques, could not exploit other men and found imperialism fruitless. It is only by using such techniques accompanying and characterizing civilized life that a man can produce a surplus over what he needs to keep himself alive. It is only at this stage of civilization that a state can profitably pursue imperialist activity, conquer other territories and exploit alien peoples who may be forced to deliver the surplus products up to the victor. In primitive days the level of technique was such that the conqueror could compel the vanquished people to work for him, but failed to make them produce a surplus over what they required just to live; he could not exploit them; empires were profitless.

The civilized man of today may feel shocked, but it is an undeniable fact that imperialism is coeval with civilization. As the earliest civilized states appeared in the river valleys of Egypt, India, China, etc., they found it paying to become imperialists. They subjugated weaker peoples but they did not kill off the vanquished people. The vanquished were enslaved; they could be employed and exploited to produce food or cloth for the members of the victorious state. The maintenance of

slaves, therefore, was the original form of imperialism. It should be mentioned that from the point of view of the progress of civilization exploitation was a necessity. Some men had to live on the labour of others, whether foreigners or not, if they were to invent writing, for example, or the wheel, and contribute to the growth of civilization.

Different types of empires have flourished in different stages of human history. In this matter it is advisable to follow John Strachey's elaborate analysis provided in his celebrated book 'The End of Empire'. It is possible to distinguish between (a) ancient slave empires, (b) mercantile empires and (c) capitalist empires. Of course, no empire can exclusively demonstrate the characteristics of any one of these types; some characteristics of two types or three types may be combined at the same time in one empire.

Servile Empires. The original form of imperialism was slave-hunting. The ancient empires of Sumer, Assyria or Egypt kept a large number of slaves captured during successful foreign expeditions. Sometimes these ancient empires changed the form of exploitation; instead of hunting slaves they collected rents and taxes from peasants who had been subjugated. In return the peasants sometimes received a system of law and order from the rulers or secured irrigation facilities. The ancient empires not only expanded their dominion by attacking territories inhabited by uncivilized people. They also came into conflict with rival empires eager to extend their dominion. The uncivilized peoples could be subjugated with relative ease; but the clashes between powerful empires were often prolonged, lasting sometimes for generations.

Mercantile Empires. During the period between approximately 600 A.D. and 1800 A.D., i.e., between the collapse of the Roman Empire and the emergence of capitalism, the world witnessed a number of mercantile empires. Unlike the servile empires where the slave-owner and the slave comprised the relations of production, in the mercantile empires the relations of production were made up of the merchants and his customers, his suppliers and employees. The Venetian empire provided a representative specimen of this type of empire. The Portuguese empire furnished another instance. Sometimes a mercantile empire contained a charac-

teristic feature of servile empires; thus, the Venetians maintained and traded in slaves. But the essential point to remember is that the ruling class in these empires did not live off slave labour; they depended for their wealth on maritime expeditions. These expeditions were launched for trading with and also plundering neighbouring territories. Of course, the scale of mercantile activity varied from case to case. Portugal invented the ocean-going vessel; her maritime activities were world-wide; she had her empire spread over three continents, Asia, Africa and South America. She promptly harnessed technical inventions to practise imperialism on a global scale. Venice, however, confined herself to the Mediterranean; her commerce was local and not world-wide.

Spain, Holland and England set up mercantile empires. The Spanish empire was larger than the Portuguese. But Spain, unlike Holland and England, did not use the profits of imperialist activities to strengthen her productive capacity. Her fleets carried fabulous treasures of gold and silver to Spain—but these were syphoned off to unproductive purposes such as raising an army that intimidated Europe for a long time but could not grant any permanent benefit to Spain by improving her productive capacity. The foremost example of a mercantile empire, advancing the interests of the imperialist country regularly, was the one built up by the British East India Company. The British, like other peoples owning mercantile empires, accumulated capital resources which could be devoted to long-distance trading. The trans-oceanic exchange of goods was found to be enormously profitable. The imperialists further discovered that they could carry on trade more profitably, permanently and safely if they could conquer the territories with which they desired to trade. Conquest would enable them to avoid the worrying dependence on the wavering loyalties of local rulers. The imperialist states collided with one another while they tried to build mercantile empires, e.g., the frequent clashes between the Portuguese, the Dutch and the English in South-East Asian waters. If they could conquer a territory they would be in a better position to frustrate the schemes of competitors. By conquest they could control agricultural production and adapt it to their trading requirements. Conquest was facilitated by the fact that im-

perialists confronted decadent societies with weapons of war much less potent and organization much less well-knit than those of the victors. Traders inevitably grew to be territorial sovereigns.

Capitalist Empires. The period around and after 1870 saw a tremendous increase in imperialist activities. The European states needed huge supplies of raw materials for their growing and multiplying industries and also large markets absorbing the finished products of Europe's factories. They began to set up capitalist empires in Asia and Africa; the colonies played the double role of a reservoir of raw materials and a consumer of surplus products. The opening of the Suez Canal considerably helped colonial enterprises by drastically shortening the distance between Europe and Asia. Like the servile or mercantile empires the capitalist empires also collided with one another.

The capitalist countries want to plant colonies abroad because they have to invest their surplus capital in foreign territories; if the foreign territories are under their domination they can get higher profits out of their investment. The inequitable distribution of income in the capitalist countries creates a gap between production and demand. The gap can be closed by colonies obediently consuming the surplus products. This is the explanation of the growth of capitalist empires provided by Hobson in his book 'Imperialism' published in 1902. In 1917 Lenin's book having an identical title in which Lenin accepted but developed Hobson's thesis combining with it the Marxist theory of capitalist development was published. Lenin did not question the validity of the Marxist tenet that with the progress of capitalism the misery of the masses would go on increasing; wealth would accumulate at one pole of the capitalist society, poverty at another. The ever-increasing impoverishment of the workers meant that capital would accumulate at an ever faster rate. The market for final products could not expand at home; the bargaining capacity of workers would be disproportionately low; their income and standard of living would not rise. Surplus products would have to be diverted to new markets.

Hobson had a suspicion that the whole world would be ultimately dominated and exploited by a massive indissoluble

super-imperialism. This would deform the economies of the exploiting and exploited states; it would also exercise a corrupting influence on the people of the exploiting states. Lenin, however, saw in the rivalries of imperialist powers a seed of wars and a source of weakness militating against stable domination. He also prophesied that revolutionary forces would rise up to destroy the imperialist structure. The fierce competition of European powers for grabbing colonies in Asia and Africa provided examples of the Leninist thesis.

Appraisal of the Hobson-Lenin Diagnosis. Lenin believed that foreign investment by a capitalist country led automatically to domination by that country. In Egypt investment by Britain grew into domination by Britain; this corroborated Lenin's belief. But in Argentina large-scale British investment did not produce British domination. There can be no rigid law on this point as Lenin tried to deduce.

The prophecy of the ever-increasing misery of workers in advanced capitalist states was made by Marx and accepted by Lenin who utilized it as the keystone of the theory of imperialism. If the standard of living could not rise, the home market could not expand and colonization became an inexorable economic necessity. Surplus capital had to be invested abroad. But actual developments in advanced capitalist societies belied the Marxist prediction of growing immiserization of the proletariat. Democratic pressures were at work, e.g., in the U.K. and the U.S.A., to raise the standard of living of the masses. Lenin had the nightmare of giant oligopolies exploiting workers who were outdone in bargaining power. Experience in Britain or Germany, however, showed that workers could most successfully raise their standard of living in oligopolistic industries by means of Trade Unionism. Therefore, advanced capitalism could not inevitably lead to imperialism. Investments going to colonies could be absorbed by the home economy if by suitable measures the standard of living of the workers could be raised. It is true that in many capitalist countries the standard of living of the wage-earners and farmers did not appreciably rise so as to absorb the capital generated in the country; this indicated that the colonies were an outlet for surplus capital. But this was not inevitable, as suggested by Lenin. In his epoch-making treatise 'General Theory' Keynes has revealed

how by means of a judicious economic policy the lack of balance in the social and economic processes can be removed and an advanced capitalist country can profitably invest the capital it accumulates in its own economy. Lenin did not notice that during his lifetime Britain was going through a socio-economic revolution which would substantially expand the home market and show that dependence on colonial markets was not unavoidable; for Lloyd George in England initiated social welfare legislation by 1909.

If there was at all a rise in the standard of living of workers in advanced capitalist countries that was due, Lenin assumed, to the super-profits of colonial exploitation. The super-profits, thought Lenin, resulted from the imposition of unfair terms of trade on the colony. But Lenin failed to see that investments in the colonies did not enrich the people as a whole, it only benefited the investors forming a small minority of the capitalist country's population. Browder has made thorough researches on the subject and shows in his book 'Marx and America' that during the hey-day of empire-building, i.e., during 1870-1914, there was no proof that the profits of imperialism actually benefited the wage-earners in Britain; especially from 1900 their standard of living rose slightly or not at all; and investments in Britain would have enriched them. Moreover, Shonfield has calculated after intensive research work (see his book 'British Economic Policy since the War') that the investors—and not the people as a whole of the imperialist country—get only about 2% higher profits from investment in a colony than from home investment. But home investment would benefit 90% of the people who were not investors and could not share in imperialist profits. Hence home investment would serve national interests far more significantly than colonial investment—and this would refute the Leninist doctrine. Again, the facts and figures about terms of trade show that favourable terms are not necessarily the product of imperialist control. According to Lenin's belief the terms of trade enjoyed by a capitalist country, say Britain, should be disastrously unfavourable after it loses its empire. But British economic history reveals that even after the liquidation of 9/10ths of the British empire the terms of trade have been more favourable to Britain than during the high tide of imperialism.

For example, terms of trade in 1888 were about 40% worse than in 1958.

The most devastating argument against Leninist doctrine is that the British working people enjoyed a steadily rising standard of living in the post-1945 decade, i.e., after the liquidation of 9/10ths of the British empire. The Leninist dogma that imperialist profits raise the living standards of the people is hereby demolished.

Lenin underrated such motivations of imperialism as the search for prestige, glory and exceptional urges for dominating others. When Hitler dreamt of world domination he was not exactly measuring the economic necessities of the German people; any sober analysis of the nation's economic needs might have impelled him to delimit his objectives and curb his aggressive instinct. Hitler was possessed of an empire mania that could not be explained by, and was not always directed to serve, the interests of German capitalists. Again, for twenty years before the first World War Germany had favourable trade relations with Great Britain—it was not in the economic interests of Germany to go to war with England. It was not then economic competition or imperialist rivalry that found Britain and Germany as opponents in the first World War—this was more due to the 'will to power' of the German Kaiser. The military castes in a country often want to pursue a policy of imperialism in order to record personal achievements and earn fame or promotion. Japanese imperialism before the second World War was, to a great extent, shaped by the expansionist zeal of military officers. Sometimes a statesman launches a policy of listless imperialism, incited by the example of other states seizing colonies; this was the case with Theodore Roosevelt of the U.S.A., and his country at that time had no pressing need for foreign investment.

Although the Hobson-Lenin explanation has many serious limitations and cannot provide any universal law, it furnishes valuable insights into the behaviour of nations and their relations. It indicates certain important tendencies, even though their operation is not uniform in every case, in world history. The flood of imperialist activities after 1870 was incontestably due to, as the Hobson-Lenin theory suggests, the desire for accumulating wealth. But the desire for power,

comments Strachey, was inextricably mixed up with the desire for wealth. The conflict among states was, of course, a competition for power; but competition for wealth formed a vital part of power-rivalries. Wealth was not the sole objective always of inter-state struggles; sometimes it was no consideration; often it was far less important than other objectives; yet in many cases it stood at the centre of the struggle for power among nations.

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Chapter XXIII

INTERNATIONAL LAW AND INTERNATIONAL ORGANIZATION

STATES today seem to move into a labyrinth of conflicts and problems. The fundamental fact of the modern world is the multi-state system. The presence of apparently insoluble problems and unending contests is an awe-inspiring characteristic of this multi-state system. Those who favour the progress of international law and organization have the strong belief that such progress will slowly change, if not suddenly transform, the behaviour of states. They are convinced that the growth of international law and organization, whatever their inadequacies at the present moment, will develop a pattern of relations conducive to world peace and welfare. The progress of international law and organization may or may not ultimately lead to the emergence of a world government. Believers in international law and organization may not have this vision of world government. They are more interested in securing a satisfactory working of the multi-state system. They reject the view of uncompromising exponents of power politics who think of clashes between states as inevitable and the mad competition for power as the only immutable characteristic of the modern state system. For international law and organization introduces and improves methods of negotiation and co-operation among states, establishes machinery for arriving at and implementing internationally agreed decisions. States are thereby enabled to solve problems arising out of common existence. They come to feel a sense of unity born of concerted actions towards common objectives. States are not prisoners of any inexorable law of continuous conflicts.

International Law and International Politics. International relations have often been christened as undisguised power-politics tempered by a wavering allegiance to international law. It has increasingly been sought to bring international politics under the control of international law. Through centuries of progress and setbacks international law

has attempted to restrain the fury of power-politics. Especially since the 19th century power-drunk statesmen have keenly felt the rigours of international law. But international law has never been able to establish an all-embracing and permanent sway over international relations. Its binding force is limited. And the limits are set by (a) the strength of international law and (b) certain political limitations on it.

The strength of international law can be gauged, by a reference to (i) the nature of the community it seeks to govern, (ii) its sources and (iii) sanctions.

Any law can be judged from a study of the community it intends to serve. A community is said to be bound by a law when its members are ready to acknowledge the 'coercive force of law. The members' readiness again is a function of their agreement on the principles underlying the coercive instrument. This agreement emerges only when the members have a general feeling of togetherness, a dominant sense of belonging to a group. A community develops as the members reach a consensus. Members proceed toward a universal consensus as they develop a common social consciousness. They come to accept the necessity of law, the principles of coercion through punishment in various forms meeting different cases of legal infractions. This has been the line of development in a national community where the people agree to compulsions of law. National law becomes, therefore, a potent instrument of the national community. In this sense there is no international community properly so-called. Members of the so-called international community—that is, the nation-states who guide the politics of the modern world—have not evolved a common consciousness or achieved a general consensus.

While this is an important factor impairing the strength of international law there are others no less serious. The Statute of the International Court of Justice underlines four bases of international law. These can be arranged in an ascending order of influence: (1) the past legal decisions and teachings of qualified publicists, (2) certain general principles of law acknowledged by civilized nations, (3) international custom and (4) treaties. Unlike in a nation-state, judicial precedents are not very effective in international relations. This is explicitly recognized by the Statute of the International Court

of Justice which lays down in Article 59 that 'the decision of the Court has no binding force except between the parties and in respect of that particular case'. And the Statute refers to judicial decisions as only a subsidiary source of international law. As regards general principles of international law, these have always to encounter theoretical controversies which impoverish their status as a practical guide. Rarely do they mould international politics in its operational phase.

Treaties and international customs remain the most important sources of international law. But customary international law is debilitated because the basic conditions sustaining it for centuries are threatened today. Customary international law has played a glorious role in giving rise to a large number of rules on the freedom of the seas, diplomatic immunity, the rights of aliens, etc. These rules have acquired almost the legal strength of national rules of law through more or less uniform state practices. This consistency of state behaviour is traceable to value-homogeneity in the Western civilization and the Western state system. The traditions of Christianity and Roman and Anglo-Saxon law have crystallized a common outlook among the Western nations. This leads them towards a universal acceptance of certain customary laws. But in recent times the sanctity of customary international law has faded because the fundamental factor of a value-uniformity is destroyed by the rise of different governmental systems. Authoritarian systems of modern times frequently reject the validity of customary international law. The rulers of Nazi Germany and Soviet Russia have set their face against it as their notions of state, sovereignty and international law are radically different from those of the Westerner.

Again, customary international law, if it is to gather momentum, requires to be buttressed by a regular process of international law-making. But the machinery for international legislation is always imperfect. International legislation has to reckon with the forces of varying interpretations put forward by a number of states. These often prove too strong for the functioning of rules of law. Different states, especially the big powers, have world-wide commitments which may conflict with one another. These also strain the growth of international legislation through multipartite conventions. But the most

significant barrier to international legislation is the persistent requirement of state consent without which effective international law cannot emerge. Without that consent international law can never aspire to regulate international politics.

Treaties govern a large portion of modern international politics which is to that extent brought within the ambit of international law. But too many difficulties beset treaty-making and sap the strength of international law. Firstly, treaties have a limited scope and a small content. A treaty regulates a few matters and binds a few states, very often only two states. Secondly, conditions of a valid treaty are open to controversy. Efforts on treaty negotiations may be wasted owing to these disagreements. Thirdly, the process of ratifying a treaty generally results in the addition of reservation clauses to the original text. This weakens a treaty, and in the case of a multipartite treaty, may create the anomaly of altering rights and obligations for different parties. Fourthly, conflicting interpretations of treaties fail to establish definite rules of law. Each party employs the best legal minds and cultivates the art of interpretation. Divergent interpretations reflect the divergent interests of the parties and are a commentary on the weakness of international law.

The paramount issue in a consideration of the strength of international law revolves around law-enforcement. The national police force can guarantee the enforcement of national laws. International law, however, is not backed up by an international police force and the effective sanction of international law definitely lies in the threat of war from a state injured by legal violations. But the availability of this sanction weakens international law as the party using it becomes its own judge. Sometimes economic sanctions against states breaking the law are contained in international treaties. Infringements of law may bring forth discriminatory policies adopted by other parties against the transgressor state. This sanction depends for its efficacy on two factors: the agreement among other states to implement the policy and the extent of the damage caused to the culprit state. In practice these factors are not always present and seldom do we find instances of such sanctions. The international organization today—the United Nations—wields another sanction. This is collective enforce-

ment action designed against breaches of the peace and acts of aggression. Yet this is an extreme measure and is not likely to be resorted to except in cases of flagrant violations of law. The conflicts of interest among the two power-blocs may prevent agreement upon an enforcement action.* It, therefore, ceases to be a normal and regular sanction of law. Thus, even the advanced type of international organization in the 20th century cannot revitalize international law as a going concern.

. Next, we have to examine the political limitations on international law. These can be denoted by (i) the plea of domestic jurisdiction, (ii) the doctrine of *Rebus Sic Stantibus* (i.e., vital change of circumstances), (iii) the concept of non-justiciable disputes, and (iv) the argument of self-defence.

Not infrequently states plead domestic jurisdiction in certain disputes in order to place them outside the jurisdiction of international law. There is no definite principle in this plea which can clearly mark off certain issues as belonging to the area of domestic jurisdiction. As a result, states may claim to shield by this plea all those disputes which, if reviewable in international law, might adversely affect their ambitions and interests. These may range from the minutest details of national administration to discretionary powers in colonies. For international law has not been able to hit upon a precise definition of 'domestic jurisdiction'. Furthermore, international law has sanctioned this claim. Both the League of Nations Covenant and the United Nations Charter have recognized it and placed matters of domestic jurisdiction outside the purview of international organization.

The sanctity of law-making treaties is destroyed by an adherence to the doctrine of *rebus sic stantibus*. According to this doctrine a state reserves the right to denounce a treaty on the plea of vital change of circumstances. Facts may change and the states may try to review their position. The pre-existing treaty is compared to new facts; a state may conclude then that the earlier treaty is burdensome and needs amendment or abrogation. It comes to a decision on its own initiative and refuses to be bound by any international law. International law comes to be dominated by international politics.

In another realm international law may be forced into inactivity. The International Court of Justice lacks jurisdic-

tion in some cases. States are almost always unwilling to refer disputes involving their vital or strategic interests or prestige to the international tribunal, and Article 36 of the Statute of the International Court of Justice even enumerates 'legal', i.e., justiciable disputes and thereby tacitly admits certain non-legal, i.e., non-justiciable disputes. Then, the international tribunal is helpless in another category of cases. Cases arise from time to time involving complete departure from earlier judicial settlements. There is always a risk in enunciating wholly new rules of law. International tribunals consequently may choose to take their hands off the dispute. Nevertheless, the role of international law is reduced.

Above all, the invincible reason of self-defence slackens considerably the grip of law over world politics. The concept of self-defence is wide as it embraces the rights of individual as well as collective self-defence. It further widens as self-defence cannot be pinned down to an agreed definition. It is often difficult if not impossible to distinguish between cases of aggression and cases of self-defence both involving armed attack. Every state has a right to exist; every state has the right to defend its existence alone or in concert with allies. The United Nations Charter has in quite unambiguous terms recognized the inherent rights of individual and collective self-defence. What is ambiguous is the extent of the rights and these can at any time engulf similar rights of other states to the detriment of the status of international law.

A variety of factors—as we have noted—operates to dilute the potency of international law *vis-a-vis* international politics. The international society craves for stability and progress. But the members of this international society are reluctant to restrain liberty of action in various fields. Amidst the complex factors besetting the field of international relations, international law has to move in a faltering pace.

Is International Law a True Law? It is impossible to provide a universally acceptable answer to this question because there are almost irreconcilable controversies on the definition of law. If there can be no agreement on the definition of a valid law, there can also be no unique answer to the question of whether or not international law is a true law. According to some definitions of law international law

may be granted the status of law, but not according to others.

The Austinians would not acknowledge that international law is a binding law. The characteristics of international law do not conform to the criteria of law as laid down by Austinians. Law, according to Austinians, is a command imposed by determinate human persons; the bulk of society pay habitual obedience to those determinate human persons who constitute the sovereign; and the sovereign does not offer habitual allegiance to any other person. International law primarily governs the relationships between states, and sovereign states do not pay habitual obedience to any determinate human superior. Austinians are not willing to grant the title 'law' to international law in spite of the fact that rules of international law are accepted by civilized nations, or that these are often applied by municipal courts.

Writers belonging to the historical school take a different attitude. They do not consider the sovereign's command to be the essence of law. The essence of law, according to them, is the common conviction of the people producing a customary observance of rules. The people are aware of the necessity of those rules and believe that they should obey these rules even if these are not the commands of the sovereign. Studies in ancient law confirm the validity of this historical view. Exponents of this view can confidently refer to the fact that sovereign states are daily observing many rules of international law. There is no reason why the breaches of law should be given more importance than the observance of law. Rules regarding diplomatic immunity, freedom of the high seas, etc., are regularly obeyed by scores of states. It can be said that in times of peace the obedience of sovereign states to international law is almost habitual in many matters; this is undoubtedly due to the recognition of the advantages resulting from such obedience; otherwise international law would not have emerged at all. Even in times of war states are not found to violate all the rules of international law. Violations of the law, moreover, take place everyday in each national community; many law-breakers cannot be arrested and punished; yet municipal law is not denied the status of law. In the international sphere there is no organ for systematic law-making as in a nation-state.

sometimes, therefore, violations may make states aware of the necessity of a change in international law. Violations may add to the strength of international law by underlining the need for desirable amendments.

Proponents of the auto-limitation theory try to defend the legal standing of international law in an interesting, though defective, manner. They try, without success, to apply the Austinian criterion of a sovereign law-giver to international law. The sovereign who issues regulations concerning the national community also creates rules of international law. A rule of international law comes into being when the decisions of many sovereign states as to their external relations tend to converge. The same sovereign who make internal or municipal law also makes external or international law. But it is difficult to accept the auto-limitation theory which keeps a sovereign state free to abrogate international law because of its sovereignty. The sovereign state, by virtue of its sovereign authority, can make or unmake international law which is nothing but its own external law; international law, thus, seems to vanish. The state, on the other hand, loses its sovereignty if it cannot repeal its external law.

Kelsen attempts to re-define law in such a way as to confer the title of 'law' on international law. The essence of a legal system, according to Kelsen, is the existence of a system of norms coherently subordinated to a basic norm, e.g., 'custom should be observed' or 'pacts are sacred'. The cohesion of a legally ordered community is reflected in the basic norm. A basic norm can emerge when a community is characterized by a homogeneity of social values. Kelsenites argue about whether the maxim 'custom should be observed' or 'pacta sunt servanda' is the basic norm. But they do not answer the crucial question whether conditions of life in the international community are capable of sustaining a legal system resting on a basic norm. Kelsen and his followers at first assume that international law is law and then try to search a basic norm. Their critics would suggest that in the international community there is a degree of value-heterogeneity which hinders the emergence of a basic norm. Technological progress has unified mankind by facilitating transport and communications. But it has also spelled a confusion of socio-ethical convictions in men by

multiplying contacts among peoples having multiform notions of values. The international community does not share uniform value-judgments and hence is not expected to bolster a basic norm.

According to many writers, notably Oppenheim, the legal quality of international law has not as yet been fully manifest, but it is undeniably present. International law is gradually emerging to be a fully developed law. Of course, unlike the municipal communities, the international community has got an imperfect machinery for the execution of laws. It is true that the U.N. has organs for enforcing peace; but there are numerous obstacles to their systematic functioning. A world divided by conflicts of interest and ideologies does not easily find an executive organ confidently applying rules of international law. There is no international legislature properly so-called which steadily adds to and improves the existing rules of international law. Yet the potentialities of a true international legislature are apparent in the achievements of such international law-making agencies as the Hague Peace Conferences, the League of Nations Assembly, the General Assembly of the U.N., or the International Law Commission. Any international judicial body today cannot function without the consent of states submitting to its jurisdiction. Its decision remains ineffective unless a state accepts the same. Yet the growth of an international judicature seems to be within the realm of possibility in view of the measure of success registered by the Permanent Court of Arbitration, the Permanent Court of International Justice, and today's International Court of Justice. A perfect system of international law with mature executive, legislative and judicial organs is yet to grow. But unmistakable signs of progress towards that direction have prompted scholars to look upon international law as potential law.

The image of municipal law inevitably casts its shadow across any discussion on the standing of international law. The strength of municipal law as law is automatically contrasted to the weakness of international law. The limitations of international law regarding machinery for the formulation of laws, adjudication or compulsion and punishment are too apparent, especially in contrast to municipal law. It must not,

however, be forgotten that municipal law took centuries to reach its present status. Customs and habits evolved into compulsory rules of law through many centuries of experiences, chances and experiments. A heritage of fears, hatreds and conflicts fills the relations of states which are much more independent and powerful than individuals bound by municipal law. It can be easily guessed, therefore, that mutually advantageous behaviour patterns for states will only slowly crystallize into laws enforced by a central machinery. When the newly established nation-states of Europe began to create rules of international law they were clearly impelled by considerations of mutual interest and expediency. Such considerations influenced states in the course of time to bring larger and larger segments of their relations within the fold of law. This trend is expected to continue. Another encouraging trend from the standpoint of the growth of international law is that statesmen usually try to defend their rights on the basis of international law. Even when they violate international law they try ingeniously to take refuge under certain rules of international law. This shows law-breakers to be anxious to earn the respectability springing from law-abidingness; they indirectly promote a respect for law which is congenial to the progress of international law.

The Concert of Europe. The 19th century witnessed a remarkable development in international organization—the Concert of Europe is a testimony to that. International organization is most likely to develop when there is a large number of states having extensive and far-reaching contacts which make them gradually realize the necessity of common action solving common problems. In the 19th century technological advances multiplied contacts between states to an unprecedented degree. The growing interdependence of states pointed to the inadequacies of the pre-existing system of management of inter-state relations. It indicated hitherto unforeseen advantages to be derived from inter-state co-operation; it created problems requiring concerted action. Technological progress also magnified the possibilities and dangers of war impressing on the minds of statesmen the desirability of inter-state co-operation for averting war.

The principle of sovereignty prompted rulers, who were not

accountable to any international body because of sovereignty, to behave irresponsibly in the international sphere. It became evident in the 19th century that the principle had to be modified. Of course, even before the 19th century the sovereign states tolerated some restraints on their international conduct imposed by international law. But the sovereign states themselves controlled the international legal system. Usually the sovereign states, especially the powerful ones, would ignore international law if it clashed with their rights; their respect for international law was often caused by their readiness to safeguard their own interests. The demands of sovereign entities were very much mirrored in the provisions of international law. States themselves judged when they could use force legally. Their obligations to other states were not prescribed by any international institution. These obligations were mainly moulded by diplomacy. Technologically-based changes in the international life of the 19th century revealed the necessity of curbing the fancies of sovereigns, subjecting them to international control by means of new institutions catering for the needs of the community of states as a whole. However, the growth of international organization in the 19th century did not mean a repudiation of the principle of sovereignty; it only meant some innovations in the international sphere, the adoption of new institutional devices (accompanied indeed by some restraints) by sovereign states. These enabled states to pursue their aims more effectively in the industrial age.

The Concert of Europe stood for a new machinery of international collaboration marking a departure from old-style diplomacy. It introduced diplomacy by conferences. The principal participants in the Congress of Vienna (1815) sought to remove the debris of Napoleonic wars and establish a new order in Europe. They wanted to build an international institution regularly managing European affairs; terms of management would, of course, be dictated by the great powers after mutual consultation. But the great powers could not patch up their differences; they held four major conferences between 1815 and 1822 which served to highlight these differences. Hence they were unable to set up a regular machinery for managing European affairs. Something of the ambitious

project of big powers at the Congress of Vienna was salvaged in spite of the clash of interests. They succeeded in converting themselves into a Concert of Europe that became a machinery of fitful international collaboration.

The Concert of Europe brought diplomacy by conference to the forefront, although before the advent of the Concert Europe had known multilateral negotiations. But the Concert of Europe inaugurated, so to speak, a conference system which was without any parallel in the earlier period. The Concert met on many occasions, e.g., in Paris in 1856, in London in 1871, in Berlin in 1878, etc., to grapple with urgent political problems. It, however, remained a club of big powers who chose themselves as guardians of Europe occasionally condescending to consult the smaller powers. But the ability of the Concert to exploit the weaker nations was not proportionate to the combined might of the big powers. For the big powers were divided by mutual jealousies and conflicting ambitions and failed to exploit others as much as they would have liked.

The progress of international organization was reflected in the variety of subjects discussed by the Concert. The Concert met to preserve peace and avoid war, to discuss the possibilities of military or peaceful action for maintaining the balance of power, to frame laws guiding inter-state relations. In a very limited sense it was akin to an international legislature. It tried to regulate traffic on international rivers. It sought to control the competitive quest for colonies in Africa. Deliberations of the Concert also took into account such important problems as relations between belligerent and neutral states. In this way European states became psychologically prepared for consultation and multilateral negotiation on major international problems. The principle of collective consultation was no more alien to their thinking. International organizations cannot succeed by solely depending on the goodwill of member states. Suitable devices must be developed; statesmen must have proper psychological attributes; appropriate procedures have to be innovated. The Concert of Europe contributed significantly to the evolution of such devices, procedures and temperaments without which the complex give-and-take of diplomacy by conference could not be practicable.

The Concert system undoubtedly promoted a sense of solidarity of interest among the states of Europe. When it welcomed the independence of Greece and Belgium or when it upheld the principle of religious liberty at the Berlin Congress of 1878, it definitely fostered a sense of community of interest among the European states. Of course, the decisions of the Concert were not necessarily wise or just simply because they represented the process of collective decision-making. States did not automatically renounce their selfish desires when they met together and agreed upon concerted actions. The Concert could scarcely veil the predominance of big powers; it did not set up an impartial international institution to which the self-indulgent nations could be subordinated. It could not establish permanent institutions regularizing international collaboration. It merely produced sporadic collaboration conditioned by the arrogance and vacillation of great powers. The Concert system failed to provide solutions to various problems involved in international co-operation; its merit lay in its ability to clarify the fundamental issues.

In one respect the influence of the Concert system has been enduring. The Concert acknowledged the hegemony of the great powers; the continued co-operation of the great powers was the cornerstone on which the success of the Concert could be built. In fact, the disunity among the major powers handicapped and ultimately ruined the Concert. In the mid-twentieth century the Security Council of the U.N. also cannot launch an enforcement action without the unanimity of the great powers. What the Concert introduced covertly has been institutionalized today and enshrined in the U.N. Charter.

Peaceful Settlement of Disputes. Even if there is no war among states, international organization will remain an indispensable necessity. States require organization not simply for the prevention of conflicts; their relations with one another, complex and varied, need organization. But prevention of war remains a principal aim of international organization. The peaceful settlement of disputes, encouraged by international organization, will be a deterrent to war. States may resort to war as an instrument for the settlement of disputes. International organization may persuade them to try peaceful means before they appeal to arms. It is easier to

avoid war when other methods of settling differences among states are available. In the modern age it is not very difficult to persuade states to settle disputes peacefully, for with phenomenal technological progress wars have been terribly expensive, incalculably destructive and the outcome is never certain. States, therefore, are eager today to take recourse to the peaceful settlement of disputes. International organizations can fruitfully devise methods of peaceful settlement.

Two states may sometimes be involved in a dispute because they do not know all the facts. Ignorance heightens misunderstanding making war inevitable. It is quite likely—this is what votaries of peaceful settlement assert—that war would not start at all if there was an international organization bringing out the facts and removing suspicions. Thus, the establishment of a commission of enquiry remains an important instrument for the peaceful settlement of disputes. It avoids wars that arise out of misconception of facts fanned by chauvinism and misapprehensions about the objectives of the suspected opponent.

The endeavours of a third party constitute another method of peaceful settlement of disputes. Two states having a dispute may stumble into warfare because they cannot appraise the situation reasonably. They may be seized by impetuous wrath barring any consideration of rational alternatives to war. A third party, not blinded by passions, may be able to think of a plan containing compromises which are acceptable to the disputants. What the disputants are intellectually unable to discover a dispassionate intermediary can easily suggest. Sometimes the disputants may be too much prestige-conscious to offer concessions to each other; to a third party they may propose the same thing. When a dispute starts the parties involved in it may vehemently accuse each other; at a later stage it becomes impossible for the indignant parties to continue negotiations. The third party may resolve the impasse by becoming a benevolent conveyor of proposals; each disputant submits proposals to the third party so that they may be communicated to the other; their vanity is not wounded because they are not making dishonourable concessions to the opponent, they are merely submitting proposals to a disinterested intermediary. When an international court or an

arbitration tribunal plays the role of such an intermediary the disputants have an additional satisfaction that they are trying to uphold the rule of law. They feel they are strengthening the legal bonds of the international community.

Another method of peaceful settlement of disputes is to inject a 'cooling-off' period. The Hague Conventions, for example, recommended that the disputants should avoid hostilities while a commission of enquiry or a mediator was carrying on its duties. During this period a peaceful solution to the dispute could be found out. Even if such a solution was not available, delay could cure a hysteric tendency to go to war; parties which were boiling with excitement might turn to make a reasonable decision. As their tempers cooled down, the disputants might look upon the use of force as unnecessary.

Discussions in a big international conference, e.g., a meeting of the General Assembly of the United Nations, also facilitate the peaceful settlement of disputes. They turn the searchlight of publicity on the fundamental problem. They may expose the conspiracy or hypocrisy of war-minded statesmen and inspire public opinion in the countries involved in a dispute to press for a peaceful solution. Debates on the world platform may make disputants more conscious of the importance of preserving peace. Dispassionate outsiders may suggest acceptable alternatives to war.

International disputes can also be settled judicially. The First Hague Conference of 1899 created the Permanent Court of Arbitration. Parties to a dispute could select arbitrators in a particular case from the panel of names constituting the Permanent Court. Thus, it was not a court in the true sense of the term, nor was it permanent. The League of Nations gave a genuine international tribunal the Permanent Court of International Justice. Its successor is the International Court of Justice which is the principal judicial organ of the United Nations. It consists of fifteen full-time judges who are expected to represent the major legal systems of the world. Judges are elected in such a way that the influence exerted by big powers may not overbalance that of the small powers. The court can take up any dispute that the parties have agreed to submit to it. Since the essential task of a court is to uphold existing international law, a party

that welcomes a change in the existing law will not refer a dispute to the International Court. Controversies relating to the interpretation of international law may be submitted to the International Court; but they are less important than disputes involving conflicts of interest which will seldom be referred to the court.

The First Hague Conference recommended that disputants should employ commissions of enquiry helping a peaceful settlement and utilizing the assistance of neutral parties willing to mediate. The Hague Convention for the Pacific Settlement of International Disputes (1907) laid down that states would avoid the use of force in interstate relations 'as far as possible' and that they should make the greatest effort to secure a 'pacific settlement of international differences'. Of course, the words 'as far as possible' grimly point to the possibility that considerations of power politics may outweigh any regard for pacific settlement. The Council of the League of Nations tried energetically and realistically to construct methods of peaceful settlement. It sought to change the fundamental character of inter-state relations by evolving a regular though flexible process of mediation. It employed a variety of techniques. Sometimes it set up small committees to undertake mediation; the Council as a body also undertook this function. The President of the Council was assigned a key role in the preservation of world peace. The Council invented the appointment of individual delegates acting as rapporteurs in particular cases. It instituted special commissions visiting the danger-zones and investigating the facts. The special commissions could initiate negotiations between the contending states and suggest solutions; they could supervise the observance of provisions for cease-fire and the withdrawal of troops.

The United Nations also has experimented with a variety of devices for peaceful settlement. The Charter encourages disputants to choose peaceful means; when they fail they should appeal to the United Nations. The U.N. has emphasized the use of special missions despatched to trouble-spots. It has also entrusted exceptional responsibility to a single individual, namely, the U.N. Commissioner or Mediator; he is authorized by the U.N. to undertake top-level

administrative and political functions. A difference in the powers of the assemblies under the League and the U.N. is noteworthy. The Assembly of the U.N. cannot, unless the Security Council so requests, issue recommendations for solving a dispute which lies before the Council. The competence of the League Assembly was greater than that of the U.N. Assembly and parallel to that of the League Council. Any disputant could transfer the case from the League Council to the League Assembly.

Vagueness and subjectivity characterize the standards applicable by the League or the U.N. in making recommendations to the contending states. The League Assembly or the Council could issue recommendations which were 'deemed just and proper'. The Security Council of the U.N. has the duty to recommend 'such terms of settlement as it may consider appropriate'. Either or both the parties to a dispute may consider a recommendation unjust although the international organ issuing it may believe the same to be just. It is difficult, furthermore, for an international organ to fulfil at once the requirements of national security and justice.

An important factor eroding the utility of peaceful settlement devices is that a state is not obliged to submit a dispute to peaceful settlement. It is free to adopt or not to adopt a technique of peaceful settlement. This does not mean that the record of such techniques is altogether unimpressive. The people are often unaware of the degree of success achieved by these techniques which seldom receive sufficient publicity. Men are much more informed of wars which have started than of wars which have been averted due to the application of peaceful settlement procedures. Few persons remember, for example, that the League Council, during the first ten years of its existence, resolved seventeen disputes which could have led to hostilities. But many persons remember the instances where the League failed to achieve a peaceful settlement. Preventing a war receives much less public attention than the failure to prevent one.

Collective Security. In the modern age a state cannot achieve security by simply remaining aloof or relying on its own strength. The utility of alliances as a source of security is uncertain; allies may deceive. States try, therefore, to build

a system of collective security so that a potential aggressor may be deterred by the possibility that others will unitedly apply force against him. The potential aggressor will avoid aggression because he wants to avoid defeat caused by the adoption of the principle of collective security by the others. States bound by a system of collective security treat an attack on one of them as an attack on all and meet the aggressor by pooling their armed might. There are cases in which the procedures of peaceful settlement cannot succeed; the technique of collective security may be fruitfully employed in those situations. Peaceful methods may be applicable to certain disputes and yet they may fail; the method of collective security may be applied for averting war in those cases. Sometimes peaceful procedures may succeed in averting war because the weapon of collective security is known to be held in reserve.

What is the Principle? The principle of collective security rests on a judgment that a particular state is guilty of arbitrary or unlawful use of force. It implies the ability to apportion blame on a disputant and a threat to that disputant that violence will be used to counter an aggressive use of violence. Whereas pacific settlement aims at finding out alternatives to violence, collective security points to violence as the answer to the imprudent use of force by the guilty party. But collective security does not seek to enforce all the obligations of international law; it is confined to preventing the aggressive or unlawful use of force. Collective security may be hinged initially on diplomatic and economic sanctions; when these sanctions fail, military sanctions have to be used.

Conditions of Success. The success of a collective security system depends on the distribution of power in the world. If a state monopolizes the power resources of the world it can frustrate a system of collective security. If there is only one great power in the world and others are small powers it is almost impossible to build overwhelming power against that great power and apply the principle of collective security. If there are several big powers, or if all the states are of approximately equal strength, the system of collective security can easily work. Universality is also essential to collective security; if all the states participate in a system of collective security it becomes easier to produce an unbalance of power

against a probable aggressor. The system should include potential aggressors because they are not known in advance and because almost every state may be deemed the potential aggressor by some other state. Carrying on warfare against an aggressor is not the only task of a collective security system; its primary task is the massing of overwhelming strength so that the battle may not start at all, or if it starts, the victory of the collective security force is preordained. This concentration of overpowering strength must be achieved in theory especially because the same power cannot be promptly utilized in practice, for the aggressor is anonymous. The collective security force cannot chalk out plans in advance. On the other hand, faith in collective security will dwindle if before its implementation a country is devastated by an aggressor.

Since the aggressor cannot be identified in advance states must be ready to adopt flexible sentiments and policies, if the collective security system has to work. Concepts of eternal friendships or enmities with other states have to be relinquished. If a state has committed aggression, it is the enemy of the other states. If a state is fighting an aggressor, it is the friend of all the others. The instrument of collective security must be used impartially against any aggressor and for protecting any victim. The aggressor may be a great power; but its power must not block the operation of collective security. The weapon of collective security must be directed impartially against an aggressor, be it a small or a big power. But the victim must have an absolutely certain assurance that the collective strength of the community will be mobilized against the aggressor. The aggressor, similarly, must have an awe-inspiring awareness of such a mobilization. Otherwise the system of collective security will fail to safeguard the security of the likely victim or to change the policy of the probable aggressor. It will then fail to generate respect for international order which it is presumed to promote.

A full-fledged system of collective security vests decision-making authority in an international organization which will dictate when military action is to be undertaken against an aggressor. Nation-states, belonging to the system, therefore, must surrender to some extent their discretionary power to employ armed forces against a foreign state. Nation-states

are most sensitive as regards their power in this vital field, which they have to transfer to an international agency for the sake of collective security. In other words, governments must repose an uncommon degree of confidence in the international organization deciding the crucial question of aggression. They have to abdicate their right to discover whether the claims of the aggressor can be defended in terms of the principle of justice; to punish the aggressor may mean upholding justice; even if it is not so governments must agree to chastise the aggressor in accordance with the decision of the international agency. Otherwise the system of collective security will crumble. It is difficult for governments to have an unusually strong belief in the value of collective security so that it can mould its policies in accordance with its dictates, unless the benefits of collective security have been already demonstrated. At the same time, collective security cannot demonstrate its utility unless governments have acted on the basis of an unprecedented degree of confidence in the system.

A state intending to participate in a system of collective security must be prepared to bear arduous responsibilities. It cannot persuade itself to discharge those responsibilities unless it can identify the national interest with the common interest of humanity. An aggression may occur in a far-away country and it may be committed by a state with whom it has no clash of interest. Yet, in the interest of collective security, it may have to send troops and suffer economic losses; it may have to face criticisms from unenlightened public opinion in the country. It may be tempted to use force in a situation in order to advance its own interests; it must not do that. Its tendency to remain aloof from the collective military action may be quite dominant; this must be avoided.

A scheme of collective security can succeed if there is an international institution capable of determining when an aggression has taken place, who is the aggressor, and what sanctions are to be applied. It must have the authority to plan and superintend the collective action against the aggressor. The endeavours of this organization must not be frustrated by the unwillingness of participants in the collective security system to honour their commitments, e.g., to send troops to resist the aggressor. Nor should the decision-making capacity

of the organization be nullified by the obstructionist tactics of a few states.

The League Covenant. The League Covenant made a serious attempt to inaugurate a régime of collective security. It laid down the ideological underpinnings of the system, prohibited aggression and provided sanctions, economic and military, against the aggressor. But there were many defects in the League's scheme of collective security. The rule of unanimity paralyzed the decision-making authority of the League. The Covenant could not ban all types of use of force and certain forms of aggression remained legalized. The Covenant prohibited aggressive wars, but there could be aggressive use of force without a formal declaration which could not lead to an enforcement action by the League. The strongest portion of the League machinery was the immediate adoption of economic sanctions against the aggressor; but resolutions passed by the General Assembly in 1921 removed the automaticity of economic sanctions and diluted the potency of the ~~entire~~ machinery. As to military sanctions the members of the League enjoyed the luxury of applying or not applying them. When in 1935 Mussolini launched an aggression in Ethiopia the League exhibited a lack of determination that proved fatal to the success of collective security; Mussolini triumphed; he was slightly handicapped because of the League, but he could not be halted. Pledges given by the members of the League for participation in military sanctions were inadequate; so were the legal restraints imposed by the Covenant on probable aggressors. It was never apparent that the members discounted the advantages of collective security, but they were reluctant to shoulder the responsibilities of collective security.

The U.N. Charter. The U.N. Charter supplies an improved scheme of collective security. It prohibits the threat or use of force and not simply wars. Its plan of sanctions is much more elaborate than that of the Covenant. The Charter empowers the Security Council to identify the aggressor and direct military operations against it; the Security Council can also call upon U.N. members to adopt non-military sanctions. The Charter has laid down that by means of special agreements states will supply military contingents which will compose the

regular military instrument of the world organization; but this plan has not as yet materialized due to conflicts of interest among states. Such conflicts are, indeed, the greatest enemy of collective security. The U.N. scheme has another vital deficiency: the Security Council cannot arrive at a decision unless the five big powers agree. The veto power of the Big Five can easily arrest the decision-making authority of the Security Council. Potential aggressors, therefore, will not have a deterring conviction that aggression will be certainly repelled by the overpowering strength of the community of states. Lastly, international law has failed to hit upon a correct criterion for identifying an aggressor. This absence of a universally accepted test of aggression vitiates the Charter scheme—or any other scheme—of collective security.

Functional Co-operation. It is difficult for states to co-operate actively on the political plane, for they have to sacrifice some interests in order to reconcile the conflict of interests. It is much easier to achieve inter-state co-operation on the non-political plane where states will seek common advantages by applying their creative imagination to common problems. Functional co-operation among nations turns attention away from conflicts of interest to similarity of needs. To eliminate war is not the only task of international organization. Nor can war be eliminated by the solution of political quarrels. International organization must strive to promote prosperity, welfare and social justice for the whole of humanity. These activities are also essential for the prevention of wars. Co-operation in economic and social matters is expected to generate a habit of co-operation in political matters too. Advocates of functionalism sometimes go further and assert that elimination of war is but an essential preliminary to the paramount objectives of attaining a high standard of living and social justice for mankind.

The state system divides mankind arbitrarily and distorts the concept of human unity. It conceals the community of interest between states in problems of health, communications or education. The sovereign states undiscerningly value their separateness and tend to ignore the establishment of appropriate international agencies for the promotion of social and economic interests. Numerous social and economic problems,

e.g., the control of diseases and narcotic drugs, can be best solved if they are explored and remedied on a global scale. Co-operation in solving these problems will dissipate the jealousies and suspicions surrounding relations of sovereign states, and thereby serve the cause of world peace. State sovereignty divides mankind artificially; functionalism integrates human life organically. Advantages continuously flowing from functional international organizations will inspire statesmen to refrain from fighting. States will transfer some of their authority to international organizations devoted to specific purposes. They will gradually emancipate themselves from the prejudices of sovereignty and develop sentiments conducive to co-operation in the more sensitive segments of international affairs, e.g., security. Limited areas of co-operation will grow and ultimately suffuse all branches of international relations. Habits of unity developing in the economic or social domain are expected to spread over to the political and military sphere. Again, preoccupation with the manifold tasks of functional organizations may dispel war-mongering.

Advocates of functionalism affirm that wars are not simply due to the machinations of cynical diplomats or the carelessness of arrogant dictators. Wars have their roots in deep-seated social and economic maladies. Economic exploitation and insecurity, social injustice and poverty generate fears and hatreds which can trigger off conflicts. These problems may keep a state on the verge of war and, at a desperate moment, it may plunge into war. It must not be supposed that only underdeveloped countries of the world face such problems; the developed industrial states also face problems of economic instability which cannot be solved without international collaboration. Such collaboration will eradicate the roots of war by aiding the attainment of a high standard of living, literacy, health, culture and social justice. Functionalism thus appeals to the rational side of human behaviour as it attempts to achieve human unity by channelizing hatred towards a common enemy, i.e., disease or poverty. It is only a rationalistic logic that expects men to calculate the advantages of functional collaboration and, therefore, offer their loyalties to functional international organizations.

However, exponents of the functional approach must remem-

ber that the elimination of social and economic injustices would not automatically lead to the abolition of wars. Even if no state is economically backward there may be wars. Wars have been frequently launched by states which are not economically underdeveloped. It may be further argued that war is a major cause of economic difficulties which cannot be removed without first banning war. States, again, may not have the temperament to co-operate in social and economic matters while critical problems of national security await solution. Functionalists may plead that our first attention should go to certain things; statesmen may not be satisfied with that priority list and devote their first attention to certain other things.

Functional international organizations flourished noticeably in the 19th century as governments realistically responded to new needs. These organizations adapted the policies of governments to problems created by the acceleration of movements, caused by technology, of men, ideas and goods. Administrative arrangements suited to such conditions could not be confined to national boundaries. Interrelations between states became more complex; new machineries were required; governments had to assume many more international responsibilities. The newly constructed international agencies rendered services to co-operating governments. They were not super-national governmental institutions; they showed how much valuable work could be done in the international sphere without the establishment of international government. They enabled governments to discuss common problems, to co-ordinate their policies and establish uniform standards in certain matters. The international river commissions of Europe came into existence. The International Telegraphic Union was established in 1865, the Universal Postal Union in 1874, the International Bureau of Weights and Measures in 1875. Many other similar institutions dealing with agriculture, copyrights, health, etc., came into being. International organization was no longer a summation of spasmodic conferences; it earned permanent institutions working uninterruptedly. The 19th century has bequeathed important institutional devices which have facilitated international organization in the 20th century, e.g., permanent staffs, specialized functional agencies.

The League's experiment with functionalism was a striking

success, especially in contrast to its failures in tackling political controversies. The League took up the problem of slavery and formulated an anti-slavery convention in 1926; it also took other steps reducing slavery. It established substantial control over traffic in opium and dangerous drugs; a treaty on this problem was concluded and a Central Opium Board was set up to help in the enforcement of the treaty; other treaties were drawn up in 1931 and 1936. The League's Health Organization worked admirably. It collected valuable information regarding infectious diseases and undertook extensive studies of such diseases as cancer, tuberculosis, etc. Its publications enabled physicians of a country to benefit from medical discoveries made in other countries. The League of Nations demonstrated the efficacy of international organization in sectors remote from the inflammable issues of power politics.

The U.N. Charter reveals a much greater concern than the League Covenant for promoting functional collaboration between nations. For this purpose the Economic and Social Council, one of the six principal organs of the U.N., has been set up. The scheme of the Charter is more ambitious than that of the Covenant. Functional organizations, old and new, have been converted into Specialized Agencies, e.g., the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization, the International Labour Organization, etc. The apparatus for functional co-operation under the Charter is much more elaborate than under the Covenant. Moreover, the Security Council does not, as the League Council did, control this machinery of collaboration. Under the League system political tensions in the Council overflowed and vitiated the discussion of non-political matters; the League Council, again, could not expertly deal with the problem of functional collaboration. The Charter provides for a less politically motivated and more expert treatment of this problem. But the problems with which the functional organizations have to deal are of formidable dimensions. Obviously the organizations do not have the means to solve them immediately. They need a long period of time to carry their experiments to full success. Meanwhile, they will help governments which must primarily rely on themselves; they will also inspire governments to help one another. But if the

period required is too long it may not be available in the highly uncertain nuclear age. Hence exponents of functionalism must earnestly try to quicken the pace of collaboration.

The strongest safety-valve of the functional approach is that it combines national selfishness with humanitarian zeal. It enables states to realize their self-interest and serve humanity at the same time; the promotion of the cause of humanity does not subtract from the capacity to advance national self-interest. By means of functional collaboration the governments add to their ability to serve their own people. National egoism, a chief obstacle to the progress of international organization, is in this field a source of strength. Functionalism does not place its faith in a drastic reorganization of the world community; there the chances of failure are considerable. It prefers piecemeal improvements gradually but surely moulding the behaviour patterns of states and bringing them in conformity with the inescapable fact of interdependence; the chances of success are much greater here.

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